

Also, petition of American Artists for Free Art, against tariff on art works—to the Committee on Ways and Means.

Also, petition of National Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Inland Waterway Association, head in Wilmington, N. C., for appropriation to construct waterway from Norfolk, Va., to Beaufort Inlet, North Carolina—to the Committee on Rivers and Harbors.

Also, petition of San Francisco Labor Council, against utterances of the President relative to status of citizens of said city with the Japanese—to the Committee on Foreign Affairs.

By Mr. KAHN: Petition of librarian of University of California, against part of copyright law (section 30, bill H. R. 19853)—to the Committee on Patents.

Also, petition of California Miners' Association, indorsing House bill known as the mineral-land bill for segregation of mineral lands within railway land grants—to the Committee on Mines and Mining.

Also, petition of San Francisco Labor Council, against President's utterances relative to status of citizens of California with the Japanese—to the Committee on Foreign Affairs.

Also, petition of Calkins Publishing House, San Francisco Chronicle, Pacific Unitarian, and the Bulletin, San Francisco, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LAFEAN: Paper to accompany bill for relief of Francis Weaver and Elias W. Garrett—to the Committee on Invalid Pensions.

Also, petition of Hillam Council, No. 58, Junior Order United American Mechanics, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. LAMB: Petition of the Times-Dispatch, Richmond, Va., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LEE: Paper to accompany bill for relief of William Buckalew—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of International Seamen's Union of America, against effect of petition of so-called Maritime Trades Council, relative to ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Mississippi River Ram Fleet and Marine Brigade, favoring passage of bill H. R. 7216—to the Committee on Invalid Pensions.

Also, petition of State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. LITTAUER: Paper to accompany bill for relief of Edmund Coward—to the Committee on Invalid Pensions.

By Mr. MOUSER: Petition of Daily Mirror, Marion, Ohio, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania: Petition of Star of Union Council, No. 77, Junior Order United American Mechanics, and John E. Armstrong Council, No. 24, Daughters of Liberty, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. NEEDHAM: Petition of International Seaman's Union of America, against effect of petition of so-called Maritime Trades Council, relative to ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET: Petition of Charles B. Matson et al., against passage of new copyright bill—to the Committee on Patents.

By Mr. PADGETT: Paper to accompany bill for relief of Joseph J. Pritchett, George W. McKim, and John R. Morris—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Harpeth Academy, Porter Female Academy, Joseph W. Baugh, Sarah Powell, Sarah J. Cleves, administratrix of estate of Mary Crockett, C. S. Moss, administrator of W. R. Haynes, and John C. Seward, heir of John C. Seward, deceased—to the Committee on War Claims.

By Mr. PATTERSON of South Carolina: Paper to accompany bill for the relief of Claude E. Sawyer and William S. Blair—to the Committee on War Claims.

By Mr. PATTERSON of Tennessee: Petition of International Seamen's Union against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. PAYNE: Petition of Newark Grange, No. 366, against free distribution of seeds—to the Committee on Agriculture.

By Mr. PEARRE: Petition of members of St. John Catholic

Church, of Frederick, against attitude of French Government toward Catholic Church—to the Committee on Foreign Affairs.

Also, petition of members of the Methodist Episcopal Church of Baltimore, for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

By Mr. REYBURN: Petition of Schreibers & Sons, Philadelphia, favoring the copyright bill—to the Committee on Patents.

Also, petition of Pennsylvania State Camp and National Camp, Patriotic Order of Americans, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Hygienic Fleeced Underwear Company, for Lakes to Gulf deep waterway—to the Committee on Rivers and Harbors.

By Mr. RICHARDSON of Alabama: Paper to accompany bill for relief of William Harvey—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of International Seamen's Union of America, against effect of petition of the so-called Maritime Trades Council relative to ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. SCHNEEBELI: Petition of Seamen's Union of America, against effect of petitions of so-called Maritime Trades Council favoring the subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (bill S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Illinois: Petition of citizens of Illinois, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SULLIVAN: Resolution of International Seamen's Union, against passage of so-called ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. TAWNEY: Paper to accompany bill for relief of Jacob W. Pierce—to the Committee on Invalid Pensions.

By Mr. WALLACE: Paper to accompany bill for relief of Isaac T. Grindstaff—to the Committee on Pensions.

Also, paper to accompany bill for relief of Julia B. Reynolds—to the Committee on Invalid Pensions.

Also, paper to accompany bill for establishment of a national wood-testing laboratory—to the Committee on Appropriations.

By Mr. WOOD of New Jersey: Petition of sundry advertisers, against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of mass meeting of colored citizens of New Jersey and colored citizens of Trenton, N. J., against discharge of the Twenty-fifth Infantry, three companies—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Henry S. Scudder—to the Committee on Invalid Pensions.

By Mr. WOODYARD: Paper to accompany bill for relief of Harvey J. Simmons—to the Committee on War Claims.

By Mr. ZENOR: Paper to accompany bill for relief of Clark Crecelius—to the Committee on Invalid Pensions.

## SENATE.

MONDAY, January 7, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Thursday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### TREASURY DEPARTMENT MAIL MATTER.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a statement showing the mail matter entered by the Treasury Department at the Washington City post-office under the penalty privilege during the period July 1 to December 31, 1906; which, with the accompanying paper, was referred to the Committee on Post-Offices and Post-Roads, and ordered to be printed.

### GIFT TO AMERICAN MINISTER TO MOROCCO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, requesting, pursuant to law, that Mr. Samuel R. Gummeré, the American minister to Morocco, be authorized to accept a sword recently presented to him by the Sultan of Morocco on the occasion of Mr. Gummeré's mission to Fez to present his letters of credence; which was referred to the Committee on Foreign Relations, and ordered to be printed.

## CAPITALIZATION OF INDIAN FUNDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting drafts of seven items for incorporation in the Indian appropriation bill for the fiscal year ending June 30, 1908, for the capitalization of funds belonging to the various tribes under treaty stipulations; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

## PREVENTION OF RAILROAD COLLISIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, recommending the enactment of certain legislation to authorize the Commission to conduct experimental tests of safety devices to prevent railroad collisions, etc.; which was referred to the Committee on Interstate Commerce, and ordered to be printed.

## PERPETUAL ANNUITIES OF INDIANS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs relative to large sums of money due certain tribes of Indians as perpetual annuities, which before the obligations of the Government are fulfilled with these Indians will have to be capitalized; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

## INCIDENTAL EXPENSES OF INDIAN SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an item for incorporation in the Indian appropriation bill for the fiscal year 1908 for general incidental expenses of the Indian Service, being a substitute for the fourteen separate items in the bill as it now stands; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

## CHARLES C. GEBOE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs submitting the draft of an item of proposed legislation for the purpose of permitting a patent in fee simple to be issued to Charles C. Geboe, Quapaw allottee, for land allotted to him in the Indian Territory; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

## FIVE CIVILIZED TRIBES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs submitting the draft of proposed legislation to enable the Secretary of the Interior to survey, plat, and appraise towns in each of the Five Civilized Tribes, etc.; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

## LOWER BAND OF CHINOOK INDIANS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of facts filed by the court in the cause of the Lower Band of Chinook Indians of the State of Washington *v. The United States*; which, with the accompanying paper, was referred to the Committee on Indian Affairs, and ordered to be printed.

## PURCHASES OF COAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to a resolution of June 29, 1906, a statement relative to the quantities and character of coal purchased during the last fiscal year for use of the Interior Department, together with certain information with reference to the areas of coal land now owned by the United States and their localities; which, with the accompanying papers and maps, was ordered to lie on the table, and be printed.

## OFFICE OF ASSISTANT TREASURER AT NEW YORK.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the assistant treasurer of the United States at New York requesting that an increase be made in the salaries of the chiefs of division and other employees of that office; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

## FINDINGS BY THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmit-

ting certified copies of the findings of facts filed by the court in the following causes:

In the cause of The Trustees of the Forest Hill Methodist Episcopal Church, of Dumfries, Va., *v. The United States*;

In the cause of G. B. Wallace, administrator of Robert N. Blake, deceased, *v. The United States*;

In the cause of Benjamin Fenton, surviving partner of the firm of Fenton & Co., *v. The United States*;

In the cause of Estelle Landry, administratrix of the estate of Joseph Landry, deceased, *v. The United States*;

In the cause of The Vestry of St. Paul's Protestant Episcopal Church, of Haymarket, Prince William County, Va., *v. The United States*;

In the cause of Irene E. Johnson, administratrix of the estate of Leo L. Johnson, deceased, *v. The United States*; and

In the cause of The Trustees of the Walnut Grove Baptist Church, of Gibson County, Tenn., *v. The United States*.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims, and ordered to be printed.

## ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 55. An act for the widening of Bladensburg road, and for other purposes;

S. 64. An act for the extension of Seventh street and Franklin street NE., and for other purposes;

S. 68. An act for the widening of a section of Columbia road east of Sixteenth street;

S. 133. An act authorizing the extension of Twenty-third street NW. to Kalorama road;

S. 2098. An act authorizing the extension of Second street NW. from Elm street north to Bryant street, of W street from its present terminus west of Flagler place to Second street, and W street west of Second street eastwardly to Second street;

S. 2260. An act authorizing the extension of Meridian place NW.;

S. 5246. An act to provide for the extension of Genesee place and Summit place, District of Columbia; and

S. 5565. An act to close certain alleys in the District of Columbia.

H. R. 1871. An act granting an increase of pension to Alonzo Cooper;

H. R. 2315. An act granting a pension to Miranda Birkhead;

H. R. 2715. An act granting an increase of pension to Charles Martine;

H. R. 2978. An act granting a pension to Amanda M. Webb;

H. R. 3338. An act granting an increase of pension to Lafayette Franks;

H. R. 4205. An act granting an increase of pension to Amanda W. Ritchie;

H. R. 4292. An act granting a pension to George W. Kelley;

H. R. 4554. An act to remove the charge of absence without leave and reported desertion from the military record of J. F. Wisniewski;

H. R. 4689. An act granting an increase of pension to James Reeder;

H. R. 4690. An act granting an increase of pension to Andrew J. Slinger;

H. R. 4707. An act granting an increase of pension to John H. Pitman;

H. R. 5728. An act granting an increase of pension to William Harvey;

H. R. 5846. An act granting an increase of pension to John M. Chandler;

H. R. 6956. An act granting an increase of pension to Henry L. Johnson;

H. R. 7580. An act granting an increase of pension to James W. Stewart;

H. R. 7719. An act granting an increase of pension to George Fetterman;

H. R. 8273. An act granting an increase of pension to John M. Pearson;

H. R. 8481. An act granting an increase of pension to Richard Callaghan;

H. R. 8712. An act granting an increase of pension to Josiah Hall;

H. R. 9107. An act granting a pension to James W. Russell;

H. R. 9262. An act granting an increase of pension to Thomas J. Farrar;

H. R. 9465. An act granting a pension to Ella Q. Parrish;

H. R. 9836. An act granting an increase of pension to Dier Collett;

H. R. 10814. An act granting a pension to Eugene A. Myers;



H. R. 11142. An act granting an increase of pension to James McQuade;  
 H. R. 11483. An act granting a pension to Maria Niles;  
 H. R. 12128. An act granting an increase of pension to Dennis A. Litzinger;  
 H. R. 12190. An act granting an increase of pension to Milton R. Dungan;  
 H. R. 12339. An act granting an increase of pension to Charles T. Murray;  
 H. R. 12482. An act granting an increase of pension to Samuel B. McLean;  
 H. R. 12517. An act granting a pension to William Bays;  
 H. R. 12667. An act granting an increase of pension to Charles W. Weber;  
 H. R. 13057. An act granting an increase of pension to James S. Salsberry;  
 H. R. 14144. An act granting a pension to Allen M. Cameron;  
 H. R. 14199. An act granting an increase of pension to John Ewing;  
 H. R. 14480. An act granting an increase of pension to Mary C. Moore;  
 H. R. 14537. An act granting an increase of pension to Robert B. Crawford;  
 H. R. 14680. An act granting an increase of pension to Sampson Parker;  
 H. R. 15619. An act granting an increase of pension to Samuel W. Atkinson;  
 H. R. 15620. An act granting an increase of pension to David D. Owens;  
 H. R. 15713. An act granting an increase of pension to William McCrea;  
 H. R. 16211. An act granting an increase of pension to John W. Montgomery;  
 H. R. 16342. An act granting a pension to Matilda Foster;  
 H. R. 16397. An act granting an increase of pension to Allie Williams;  
 H. R. 16513. An act granting an increase of pension to Bridget M. Duffy;  
 H. R. 16741. An act granting an increase of pension to William J. Girvan;  
 H. R. 16747. An act granting a pension to Sherman Jacobs;  
 H. R. 16748. An act granting an increase of pension to Lucius C. Fletcher;  
 H. R. 16856. An act granting an increase of pension to Joseph McBride;  
 H. R. 17481. An act granting a pension to Eliza F. Wadsworth;  
 H. R. 17651. An act granting an increase of pension to Mary A. Riley;  
 H. R. 17675. An act granting an increase of pension to Jonas M. Sees;  
 H. R. 17691. An act granting an increase of pension to George W. Henrie;  
 H. R. 17874. An act granting an increase of pension to Roseanna Hughes;  
 H. R. 17918. An act granting a pension to Walter S. Harman;  
 H. R. 18018. An act granting an increase of pension to David Evans;  
 H. R. 18045. An act granting an increase of pension to John M. Webb;  
 H. R. 18066. An act granting an increase of pension to Alexander M. Fergus;  
 H. R. 18113. An act granting an increase of pension to Louisa M. Sees;  
 H. R. 18193. An act granting an increase of pension to Walden Kelly;  
 H. R. 18214. An act granting an increase of pension to John Ingram;  
 H. R. 18227. An act granting an increase of pension to Catharine F. Fitzgerald;  
 H. R. 18343. An act granting an increase of pension to John N. Oliver;  
 H. R. 18363. An act granting an increase of pension to Rudolph Bentz;  
 H. R. 18403. An act granting an increase of pension to Mary Jane Ragan;  
 H. R. 18429. An act granting an increase of pension to David Mitchell;  
 H. R. 18493. An act granting an increase of pension to George H. Reeder;  
 H. R. 18705. An act granting an increase of pension to Thomas T. Page;  
 H. R. 18860. An act granting an increase of pension to Andrew J. Anderson;

H. R. 19080. An act granting an increase of pension to Frederick Fienop;  
 H. R. 19101. An act granting an increase of pension to Sarah C. A. Scott;  
 H. R. 19119. An act granting an increase of pension to Susan M. Osborn;  
 H. R. 19161. An act granting an increase of pension to Marcus D. Tenney;  
 H. R. 19162. An act granting an increase of pension to Charles Van Tine;  
 H. R. 19174. An act granting an increase of pension to Martha A. Billings;  
 H. R. 19215. An act granting an increase of pension to John Lingenfelder;  
 H. R. 19256. An act granting an increase of pension to Louisa J. Birthright;  
 H. R. 19293. An act granting an increase of pension to William Colvin;  
 H. R. 19298. An act granting an increase of pension to Job B. Crabtree;  
 H. R. 19300. An act granting an increase of pension to Phebe Easley;  
 H. R. 19318. An act granting an increase of pension to Mary E. Rivers;  
 H. R. 19319. An act granting an increase of pension to Elizabeth Spruell;  
 H. R. 19320. An act granting an increase of pension to Louise J. Pratt;  
 H. R. 19321. An act granting an increase of pension to Mary E. Turner;  
 H. R. 19322. An act granting an increase of pension to Mary Isabella Rykard;  
 H. R. 19323. An act granting an increase of pension to Orlando L. Levy;  
 H. R. 19324. An act granting an increase of pension to Susan M. Long;  
 H. R. 19325. An act granting an increase of pension to George Oppel;  
 H. R. 19326. An act granting an increase of pension to Margaret R. Vandiver;  
 H. R. 19357. An act granting an increase of pension to Anna Lamar Walker;  
 H. R. 19359. An act granting an increase of pension to Levi Brader;  
 H. R. 19404. An act granting an increase of pension to Elias S. Falkenburg;  
 H. R. 19415. An act granting an increase of pension to Sarah Ann Reavis;  
 H. R. 19416. An act granting an increase of pension to Antonio Macello;  
 H. R. 19463. An act granting an increase of pension to Emma L. Patterson;  
 H. R. 19483. An act granting a pension to Lydia A. Patnaude;  
 H. R. 19503. An act granting an increase of pension to David S. Jones;  
 H. R. 19504. An act granting an increase of pension to Margaret E. Walker;  
 H. R. 19511. An act granting an increase of pension to Alexander Dixon;  
 H. R. 19514. An act granting an increase of pension to James H. Stimpson;  
 H. R. 19529. An act granting an increase of pension to Nancy Elizabeth Hutcheson;  
 H. R. 19530. An act granting an increase of pension to Charles P. Gray;  
 H. R. 19534. An act granting an increase of pension to Noah Resseque;  
 H. R. 19587. An act granting an increase of pension to Martha Ann Jones;  
 H. R. 19601. An act granting an increase of pension to John E. Kingsbury;  
 H. R. 19611. An act granting an increase of pension to Jacob Kinkery;  
 H. R. 19626. An act granting an increase of pension to Samuel Campbell;  
 H. R. 19743. An act granting an increase of pension to W. P. McMichael;  
 H. R. 19744. An act granting an increase of pension to George Casper Homan Hummel, alias George C. Homan;  
 H. R. 19819. An act granting an increase of pension to Johanna Kearney;  
 H. R. 19889. An act granting an increase of pension to John M. Melson;  
 H. R. 19922. An act granting an increase of pension to Mary A. Sutherland;

H. R. 21200. An act to authorize the county of Allegheny, in the State of Pennsylvania, to construct a bridge across the Allegheny River in Allegheny County, Pa.;

H. R. 21408. An act to amend an act entitled "An act to regulate the keeping of employment agencies in the District of Columbia where fees are charged for procuring employment or situations," approved June 19, 1906;

H. R. 21678. An act to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands which were heretofore a part of the Crow Indian Reservation, within the counties of Yellowstone and Rosebud, in the State of Montana; and

H. J. Res. 196. Joint resolution relating to the construction of a bridge at Fort Snelling, Minn.

#### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Credit Men's Association of Minneapolis, Minn., remonstrating against the repeal of the present bankruptcy law; which was referred to the Committee on the Judiciary.

He also presented a petition of National Camp, Patriotic Order Sons of America, and a petition of the Pennsylvania State Camp, Patriotic Order Sons of America, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

Mr. FRYE presented a petition of the State Woman's Christian Temperance Union of Maine, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented the petition of E. L. Sampson and 54 other citizens of Dover and Foxcroft, Me., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Yarmouth, Me., and a memorial of sundry citizens of Richmond, Me., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of the Maritime Association of New York City, N. Y., praying for the enactment of legislation abolishing the requirement for the inspection of sail vessels and the licensing of mates thereof; which was referred to the Committee on Commerce.

Mr. TELLER presented a petition of the Woman's Club of Leadville, Colo., praying for the enactment of legislation to remove the duty on works of art; which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Longmont, Colo., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Chamber of Commerce of Denver, Colo., praying for the enactment of legislation providing for the classification of the salaries of postal clerks; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Pomona Grange, No. 3, and a petition of Left Hand Grange, No. 9, Patrons of Husbandry, of Boulder County, Colo., praying for the passage of the so-called "parcels-post bill" and the savings-bank bill; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. HOPKINS presented resolutions adopted by the Bankers' Club of Chicago, Ill., favoring the principles of a bank-note issue as recently enunciated by the currency commission of the American Bankers' Association at Washington; which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Chicago, Springfield, Evanston, Decatur, and Oregon, all in the State of Illinois, praying for an investigation of the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented memorials of the Copper River Railway Company, remonstrating against the enactment of legislation to aid in the construction of a railroad telegraph and telephone line in the district of Alaska; which were referred to the Committee on Territories.

He also presented petitions of the Business Men's Association and the city council of Rock Island and the Chamber of Commerce of Quincy, all in the State of Illinois, praying that an appropriation be made for the improvement of the upper Mississippi River; which were referred to the Committee on Commerce.

Mr. McCREARY presented a memorial of sundry citizens of

Louisville, Ky., remonstrating against an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Richmond, Ky., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. CULBERSON presented the petition of John A. Hulen, of Texas, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine volunteers; which was referred to the Committee on Claims.

Mr. BRANDEGEE presented the petition of David Conner, of Connecticut, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

He also presented the petition of P. and F. Corbin, of New Britain, Conn., praying for a continuance of the appropriation for the maintenance of models in the United States Patent Office; which was referred to the Committee on Appropriations.

Mr. LA FOLLETTE presented memorials of sundry citizens of Albion, Moon, La Farge, Deerfield, Vernon County, and Dane County, all in the State of Wisconsin, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. BERRY presented a memorial of sundry trainmen employed by the Fort Smith and Western Railroad Company, of Fort Smith, Ark., remonstrating against the passage of House bill 18671, commonly known as the "sixteen-hour bill;" which was ordered to lie on the table.

Mr. STONE presented a memorial of sundry citizens of Douglas County, Mo., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a memorial of sundry citizens of Lawrence, Barry, and Newton counties, in the State of Missouri, remonstrating against the enactment of legislation granting the right to national banks to issue legal-tender currency; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Springfield, Mo., praying for the ratification of certain treaties for the enlargement of the jurisdiction of The Hague Tribunal, and also for the enactment of legislation providing for an increase of the United States Navy; which was referred to the Committee on Foreign Relations.

He also presented a petition of the Society of the Athenaeum, of Kansas City, Mo., praying for the enactment of legislation to establish a bureau for women and children in the Department of the Interior; which was referred to the Committee on Education and Labor.

He also presented a petition of sundry newspaper publishers of St. Joseph, Mo., praying for the enactment of legislation to permit newspapers to contract with railroads for transportation to be paid for in advertising at regular rates; which was referred to the Committee on Interstate Commerce.

He also presented memorials of C. V. McLaughlin, general chairman of the general protective board, Brotherhood of Locomotive Firemen, Union Pacific Railway, Omaha, Nebr.; H. L. Bronson, chief dispatcher, J. E. Johnson, first dispatcher, T. A. Smith, second dispatcher, and A. G. Stratton, third dispatcher, eastern district, Kansas division, Union Pacific Railway, at Kansas City, Mo.; J. L. Chandley, chief dispatcher, G. F. Payne, first dispatcher, G. A. Stebbins, second dispatcher, and R. Woodard, third dispatcher, western district, Kansas division, Union Pacific Railway, of Ellis, Kans.; J. E. Cave, chief conductor division 342, Order of Railway Conductors, of Kansas City, Mo.; W. C. Turner, general chairman Order of Railway Conductors, Missouri Pacific Railway system, St. Louis, Mo.; and H. J. Cheney, M. E. Smith, George B. Oder, J. F. Allen, J. E. Thomas, Walter Lord, C. E. Foster, all railway conductors, of Kansas City, Mo.; and L. S. Bennett, Val W. Robertson, H. M. Murray, W. T. Mills, I. N. Hughes, A. E. Hilburt, W. R. Stenry, and J. E. Hedges, all railway brakemen, of Kansas City, Mo.; J. G. Trimble, general attorney, Quincy, Omaha and Kansas City Railroad Company, and J. Fred Williams, of Sedalia, Mo., remonstrating against the enactment of the so-called "sixteen-hour law;" which were ordered to lie on the table.

Mr. CULLOM presented a petition of the Woman's Christian Temperance Union of Springfield, Ill., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

He also presented a petition of the Board of Trade of Chi-



cago, Ill., praying that the Isthmian Canal Commission operate one-third of the Government's shipping out of the Gulf ports, with New Orleans as the most practicable port; which was referred to the Committee on Inter-oceanic Canals.

Mr. PERKINS presented a petition of the Clearing House Association of San Francisco, Cal., praying for the adoption of an amendment to the interstate-commerce law relating to bills of lading; which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the librarian of the University of California, Berkeley, Cal., remonstrating against the enactment of legislation abridging existing rights of libraries to import books in the English language; which was referred to the Committee on Patents.

He also presented a memorial of sundry citizens of Selma and Sebastopol, in the State of California, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented the petition of F. W. Richardson, publisher of the Gazette, of Berkeley, Cal., praying for the removal of the existing tariff on linotype and composing machines; which was referred to the Committee on Finance.

Mr. MILLARD presented a memorial of sundry citizens of Nebraska, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented the petition of Jacob H. Culver, of Nebraska, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. ANKENY presented a memorial of sundry citizens of College Place, Wash., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. DEPEW presented a petition of the Chamber of Commerce of Watertown, N. Y., praying for the reclassification and increase of the salaries of the postal clerks of all first-class and second-class post-offices; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions adopted at a mass meeting of citizens at Cooper Union, New York City, N. Y., relative to the discriminations against colored soldiers, and praying for the establishment of an impartial tribunal to determine the assertions and proceedings made against the soldiers of the Twenty-fifth Infantry; which were referred to the Committee on Military Affairs.

Mr. WARNER presented sundry papers to accompany the bill (S. 6772) granting an increase of pension to Henry J. Lyda; which were referred to the Committee on Pensions.

Mr. CLARK of Montana presented a petition of sundry citizens of Browning, Mont., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. PATTERSON presented a petition of Left Hand Grange, No. 9, Patrons of Husbandry, of Boulder County, Colo., and a petition of Pomona Grange, No. 3, Patrons of Husbandry, of Boulder County, Colo., praying for the passage of the so-called "parcels-post bill," and the postal savings-bank bill; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. LATIMER presented the petition of Claude E. Sawyer, of South Carolina, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. DOLLIVER presented petitions of sundry citizens of Iowa, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which were referred to the Committee on Claims.

Mr. LONG presented a memorial of sundry citizens of Trego County, Kans., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

He also presented a memorial of the National Bankers' Association of Kansas, remonstrating against the enactment of any legislation providing for a tax on the capital or deposits of a bank for the purpose of guaranteeing the depositors of failed banks; which was referred to the Committee on Finance.

Mr. PLATT presented memorials of sundry citizens of Erie County, N. Y., remonstrating against the enactment of legislation requiring certain places of business in the District of Co-

lumbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of the New York Indian Association and a petition of the Men's Association of the University Place Presbyterian Church, of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented memorials of Local Divisions Nos. 154, 450, 461, 171, and 56, of Binghamton, Oneonta, Whitehall, Mechanicsville, and Albany, all of the Order of Railway Conductors, and of Local Divisions Nos. 58 and 172 of Oneonta, of the Brotherhood of Locomotive Engineers, in the State of New York, and of Local Division No. 166, Brotherhood of Locomotive Engineers, of Carbondale, Pa., remonstrating against the passage of the so-called "sixteen-hour bill," which were ordered to lie on the table.

Mr. LODGE presented a memorial of sundry citizens of Athol, Mass., and a memorial of sundry citizens of Greater Boston, Mass., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

Mr. BURKETT presented sundry affidavits to accompany the bill (S. 6719) granting an increase of pension to Jane Newton; which were referred to the Committee on Pensions.

Mr. HANSBROUGH presented a petition of the Red River Valley Drainage Association of North Dakota, praying that an appropriation be made for topographic surveys of the Red River Valley in that State; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. CLAPP presented a petition of the proprietors of the Daily Times, of St. Cloud, Minn., praying for the removal of the tariff on linotype and composing machines; which was referred to the Committee on Finance.

Mr. SPOONER presented the memorial of William Carpenter and sundry other citizens of River Falls, Wis., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which was referred to the Committee on the District of Columbia.

Mr. HEYBURN presented sundry papers to accompany the bill (S. 7447) granting an increase of pension to Maria Wells; which were referred to the Committee on Pensions.

Mr. KNOX presented petitions of the Sunday School convention of Union County; William J. Gruhler, of Philadelphia; Everett Stewart, of Philadelphia; Dr. W. W. Keen, of Philadelphia; C. R. A. Janvier, of Philadelphia; M. Anderson, of Allegheny; Fred A. Riehle, of Philadelphia; John C. Sayre, of Philadelphia; Agens Kemp, of Swarthmore; Eva J. Smith, of Warren; F. W. Hutchinson, of Philadelphia; Frank Hansell, of Philadelphia; Rev. Alford Kelley, of Erie; Rev. J. W. Smith, of Warren; Rev. F. E. Southworth, of Meadville; Dr. George W. Bailey, of Philadelphia; Frank Darragh, of Philadelphia; Ruth E. Walter, of Philadelphia; James F. Hagen, of Philadelphia; Mrs. Norman C. Allen, of Warren; F. H. Scott, of Philadelphia; M. Brown, of Philadelphia, and William F. Owens, of Lewisburg, all in the State of Pennsylvania, praying for an investigation of the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented petitions of the Sheffield National Bank, of Sheffield; First National Bank of Greenville; Elk County National Bank, of Ridgway; Oil City National Bank, of Oil City; the Citizens' National Bank, of Curwensville; the First National Bank of Youngsville; the Warren National Bank, of Warren, and the First National Bank of Warren, all in the State of Pennsylvania, praying for the enactment of legislation permitting national banks to loan 25 per cent of their capital stock on real-estate security; which were referred to the Committee on Finance.

He also presented petitions of the Item, of Mount Carmel; the Sharon Eagle, of Sharon; the Lebanon Daily Times, of Lebanon; the Austin Autograph, of Austin; the Enterprise, of Belle Vernon; Susquehanna Transcript, of Susquehanna; Susquehanna Ledger, of Susquehanna, and the Knoxville Courier, of Knoxville, all in the State of Pennsylvania, praying for the enactment of legislation providing for a modification of the Interstate Commerce Commission's ruling denying newspapers the right to exchange advertising for railroad transportation; which were referred to the Committee on Interstate Commerce.

He also presented petitions of the Emmert Manufacturing Company, of Waynesboro; the Hygienic Fleeced Underwear Company, of Philadelphia; Supplee Hardware Company, of Philadelphia; John W. Bell & Co., of Mercer; Star Enameling and Stamping Company, of Pittsburg, and the Ames Shovel and

Tool Company, of Beaver Falls, all in the State of Pennsylvania, praying that an appropriation be made for the construction of a 14-foot waterway from the Lakes to the Gulf; which were referred to the Committee on Commerce.

He also presented a petition of the Woman's Christian Temperance Union of McKees Rocks, Pa., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

#### EXTENSION OF RAILWAY TRACKS IN THE DISTRICT OF COLUMBIA.

Mr. CARTER. I present a memorial from certain citizens of northeast Washington, transmitting a proposed amendment to the bill (S. 6147) authorizing changes in certain railway tracks within the District of Columbia, and for other purposes. I move that the memorial lie on the table and be printed as a document to be considered in connection with the bill.

The motion was agreed to.

#### AGRICULTURAL COLLEGES AND MECHANIC ARTS.

Mr. NELSON. Some time ago I introduced a bill (S. 6680) to provide for an increased annual appropriation for the colleges for the benefit of agriculture and the mechanic arts, established and maintained under the provisions of the act of Congress approved July 2, 1862, and the act of Congress approved August 30, 1890, which was referred to the Committee on Agriculture and Forestry. I have here a brief statement showing the scope and effect of the bill and the necessity for it, which I move be printed and referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7105) granting an increase of pension to Samuel Baker;

A bill (S. 5542) granting an increase of pension to Elizabeth S. Reess; and

A bill (S. 1495) granting an increase of pension to John Holley.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 7056) granting an increase of pension to Frederick Carel; and

A bill (S. 1594) granting an increase of pension to Margaret E. Guthrie.

Mr. SCOTT, from the Committee on Pensions, to whom was referred the bill (S. 3681) granting a pension to Sanford H. Moats, reported it with an amendment, and submitted a report thereon.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 5672) granting an increase of pension to Felix G. Murphy;

A bill (S. 1797) granting an increase of pension to John E. Henderson; and

A bill (S. 6947) granting an increase of pension to C. M. Brough.

Mr. SMOOT, from the Committee on Pensions, to whom was referred the bill (S. 5106) granting an increase of pension to John Adshead, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 6656) granting an increase of pension to Eli M. Skinner, reported it with an amendment, and submitted a report thereon.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6223) granting an increase of pension to William E. Cummin;

A bill (S. 7162) granting a pension to William H. Sheckler; and

A bill (S. 6510) granting an increase of pension to Sarah R. Williams.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7094) granting an increase of pension to George B. Drake; and

A bill (S. 5991) granting an increase of pension to George F. Ford.

Mr. McCUMBER (for Mr. CARMACK), from the Committee on

Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5836) granting an increase of pension to Daniel Loosley; and

A bill (S. 7378) granting a pension to Giles M. Caton.

Mr. McCUMBER (for Mr. CARMACK), from the Committee on Pensions, to whom was referred the bill (S. 7377) granting an increase of pension to Martha J. Callins, reported it with amendments, and submitted a report thereon.

He also (for Mr. CARMACK), from the same committee, to whom was referred the bill (S. 6625) granting an increase of pension to Anderson Henry, reported it without amendment, and submitted a report thereon.

He also (for Mr. BURNHAM), from the same committee, to whom was referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6736) granting a pension to Charles H. Tracy;

A bill (S. 6800) granting an increase of pension to Esther Eldredge;

A bill (S. 6590) granting an increase of pension to Theron Hammer;

A bill (S. 7349) granting an increase of pension to Luke M. Lewis; and

A bill (S. 6372) granting an increase of pension to Marvin Osgood.

Mr. McCUMBER (for Mr. BURNHAM), from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6915) granting an increase of pension to Samuel G. Healy;

A bill (S. 6916) granting an increase of pension to Nathan E. Stover; and

A bill (S. 6325) granting an increase of pension to David A. Edwards.

Mr. McCUMBER (for Mr. BURNHAM), from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6670) granting an increase of pension to Dana H. McDuffee;

A bill (S. 7350) granting an increase of pension to Richard Dodge;

A bill (S. 6733) granting a pension to Anna D. Barnes;

A bill (S. 6835) granting an increase of pension to George Maybury;

A bill (S. 6137) granting an increase of pension to Fannie L. Pike;

A bill (S. 6145) granting an increase of pension to Enoch Bolles; and

A bill (S. 5912) granting an increase of pension to Nathaniel Green.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6963) granting an increase of pension to William B. Sayles;

A bill (S. 6960) granting an increase of pension to Thomas Ashton;

A bill (S. 4033) granting an increase of pension to William Kirkwood;

A bill (S. 6573) granting an increase of pension to John A. Williams;

A bill (S. 4108) granting an increase of pension to Martha M. Lambert;

A bill (S. 6050) granting an increase of pension to Edward W. Galligan;

A bill (S. 6823) granting an increase of pension to John H. Holsey; and

A bill (S. 6828) granting an increase of pension to Walter D. Greene.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 6687) granting an increase of pension to Henry W. Mahaney;

A bill (S. 756) granting a pension to Jacob Neibels;

A bill (S. 3295) granting an increase of pension to Anna Williams; and

A bill (S. 6958) granting an increase of pension to Keizlah Walker.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6836) granting an increase of pension to Edward P. Strickland;



A bill (S. 7099) granting an increase of pension to Esther A. Cleaveland;

A bill (S. 6811) granting an increase of pension to James Carpenter;

A bill (S. 2780) granting an increase of pension to Daniel McCarter; and

A bill (S. 6571) granting an increase of pension to William G. Ross.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 6722) granting an increase of pension to William Arnold;

A bill (S. 6710) granting an increase of pension to Thomas P. Way; and

A bill (S. 7265) granting an increase of pension to John R. McCoy.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 4113) granting an increase of pension to Dell E. Pert;

A bill (S. 7053) granting an increase of pension to Solomon Draper;

A bill (S. 7204) granting an increase of pension to W. P. Patterson;

A bill (S. 5854) granting an increase of pension to John W. McWilliams; and

A bill (S. 6708) granting an increase of pension to Columbus B. Mason.

Mr. LA FOLLETTE, from the Committee on Pensions, to whom was referred the bill (S. 6459) granting an increase of pension to Ellen Carpenter, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 4769) granting an increase of pension to Rosa Olds Jenkins, reported it with amendments, and submitted a report thereon.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6350) granting an increase of pension to Silas G. Clark;

A bill (S. 6726) granting an increase of pension to Mary A. Jackson;

A bill (S. 6351) granting an increase of pension to Andrew J. West; and

A bill (S. 6589) granting an increase of pension to Washington D. Gray.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 5292) granting an increase of pension to Michael J. Sprinkle; and

A bill (S. 6587) granting an increase of pension to Marcus M. Currier.

Mr. OVERMAN, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7069) granting an increase of pension to Marshall Johnson;

A bill (S. 5021) granting an increase of pension to Margaret Kearney; and

A bill (S. 6588) granting an increase of pension to Arthur Hathorn.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 7192) granting an increase of pension to Noah Jarvis, reported it without amendment, and submitted a report thereon.

He also, from the same committee, to whom was referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 5023) granting an increase of pension to Ruth E. Olney;

A bill (S. 7193) granting an increase of pension to David C. Benjamin;

A bill (S. 6703) granting an increase of pension to John H. Niblock;

A bill (S. 3320) granting an increase of pension to Elias H. Parker; and

A bill (S. 7246) granting an increase of pension to William H. Berry.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 4055) granting a pension to Nancy J. Mullally; and  
A bill (S. 4813) granting an increase of pension to Samuel M. Doolittle.

Mr. HOPKINS, from the Committee on Fisheries, to whom was referred the joint resolution (S. R. 78) authorizing and empowering the President of the United States to abate and suppress the continued shameful and cruel practice of killing nursing mother fur seals on the high seas, now permitted and conducted, asked to be discharged from its further consideration, and that it be referred to the Committee on Foreign Relations; which was agreed to.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 7157) granting an increase of pension to Austin S. Dunning;

A bill (S. 6936) granting an increase of pension to Robert Jenkins; and

A bill (S. 6937) granting an increase of pension to Michael Rosbrugh.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 6935) granting an increase of pension to W. R. Neil; and

A bill (S. 7384) granting an increase of pension to Orson B. Johnson.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 7161) granting an increase of pension to George A. Tyler;

A bill (S. 7060) granting an increase of pension to John Hager; and

A bill (S. 6532) granting an increase of pension to Joseph Daniels.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1516) granting an increase of pension to O. O. Austin;

A bill (S. 7075) granting an increase of pension to J. S. Lewis; and

A bill (S. 7074) granting an increase of pension to William Jenkins.

Mr. PATTERSON, from the Committee on Pensions, to whom was referred the bill (S. 6233) granting an increase of pension to George E. Vanderwalker, reported it with an amendment, and submitted a report thereon.

#### BILLS INTRODUCED.

Mr. FRYE introduced a bill (S. 7519) to remove the charge of desertion from the record of William B. Young, alias John F. Huntly; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7520) granting an increase of pension to William G. Towle;

A bill (S. 7521) granting an increase of pension to George W. Stone;

A bill (S. 7522) granting a pension to James C. Drew (with an accompanying paper);

A bill (S. 7523) granting an increase of pension to John Cusick;

A bill (S. 7524) granting a pension to Mary J. Allen (with accompanying papers); and

A bill (S. 7525) granting an increase of pension to Charles H. Ham (with accompanying papers).

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 7526) to authorize the Commissioners of the District of Columbia to close and abandon roadways in said District outside of the city of Washington, and to transfer the title of the United States in said roadways to abutting owners, and for other purposes.

A bill (S. 7527) governing the maintenance of stock yards, slaughterhouses, and packing houses in the District of Columbia (with an accompanying paper); and

A bill (S. 7528) regulating refunding of taxes in the District of Columbia, and for other purposes (with an accompanying paper).

Mr. CULLOM introduced a bill (S. 7529) to authorize Col.

Theodore A. Bingham, United States Army, to accept a decoration conferred upon him by the Government of the French Republic; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. ALGER introduced a bill (S. 7530) for the relief of the heirs of Frederick Carlisle; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7531) granting a pension to William F. Letts; and

A bill (S. 7532) granting an increase of pension to Joseph Kilchli.

Mr. FULTON introduced a bill (S. 7533) granting an increase of pension to Orvil Dodge; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

He also introduced a bill (S. 7534) for the relief of the Kathlamet Band of the Chinook Indians of the State of Oregon; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. McENERY introduced a bill (S. 7535) for the relief of the estate of Raymond Pochelu, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. LATIMER introduced a bill (S. 7536) to provide for the purchase of a site and the erection of a building thereon at Beaufort, in the State of South Carolina; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. RAYNER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7537) for the relief of John W. Watson;

A bill (S. 7538) for the relief of the trustees of the Sandy Hook School, Sandy Hook, Md.;

A bill (S. 7539) for the relief of the trustees of the Burkittsville School, of Burkittsville, Md.;

A bill (S. 7540) for the relief of the rector of St. Peter's Roman Catholic Church, of Hancock, Md.; and

A bill (S. 7541) for the relief of the trustees of the Frederick Presbyterian Church, of Frederick, Md.

Mr. RAYNER introduced a bill (S. 7542) granting an increase of pension to Myers Uhlfelder; which was read twice by its title, and referred to the Committee on Pensions.

Mr. DOLLIVER introduced a bill (S. 7543) granting an increase of pension to Robert B. McCumber; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7544) for the relief of the trustees of the Harpeth Academy, Williamson County, Tenn. (with an accompanying paper);

A bill (S. 7545) (by request) for the relief of Michael Silke; and

A bill (S. 7546) for the relief of the trustees of the Porter Female Academy, Williamson County, Tenn. (with an accompanying paper).

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Public Buildings and Grounds:

A bill (S. 7547) to provide for the purchase of a site and the erection of a public building thereon at Springfield, in the State of Tennessee; and

A bill (S. 7548) to provide for the purchase of a site and the erection of a public building thereon at Winchester, in the State of Tennessee.

Mr. MALLORY introduced a bill (S. 7549) to amend sections 1, 2, and 3 of an act entitled "An act relating to liability of common carriers in the District of Columbia and Territories and common carriers engaged in commerce between the States and between the States and foreign nations to their employees," approved June 11, 1906; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SMOOT introduced a bill (S. 7550) for the relief of Harry A. Young; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 7551) granting an increase of pension to Daniel R. Firman; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. BULKELEY (by request) introduced a bill (S. 7552) to establish a Bureau of Insurance in the Department of Com-

merce and Labor, and to regulate stock companies undertaking insurances in the District of Columbia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SCOTT introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions.

A bill (S. 7553) granting an increase of pension to A. P. Clark (with accompanying papers);

A bill (S. 7554) granting an increase of pension to Amelia R. Randolph; and

A bill (S. 7555) granting an increase of pension to James T. Piggott (with an accompanying paper).

Mr. HOPKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7556) granting an increase of pension to Thomas Spanton (with accompanying papers);

A bill (S. 7557) granting an increase of pension to Joie A. Lathrop; and

A bill (S. 7558) granting an increase of pension to Mary Morgan (with an accompanying paper).

Mr. DICK (by request) introduced a bill (S. 7559) for relief of the trustees of the Presbyterian Church of Gallipolis, Ohio; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 7560) granting an increase of pension to James V. Brough; which was read twice by its title, and referred to the Committee on Pensions.

Mr. McCUMBER introduced a bill (S. 7561) granting an increase of pension to Charles A. Woodward; which was read twice by its title, and referred to the Committee on Pensions.

Mr. NELSON introduced a bill (S. 7562) to amend section 8 of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1897, and for other purposes," approved May 28, 1896, relative to the expense allowance of United States attorneys and assistants while absent from their official residences on official business; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CLAY introduced a bill (S. 7563) for the relief of the estate of Howell Tatum, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

He also introduced a bill (S. 7564) to limit the jurisdiction of the district and circuit courts of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. WHYTE introduced a bill (S. 7565) granting an increase of pension to Clara P. Coleman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PILES introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7566) granting an increase of pension to John Ans-low; and

A bill (S. 7567) granting a pension to William Booth.

Mr. PILES introduced a bill (S. 7568) to relieve the Tanana Mines Railroad, under construction in Alaska, of the license tax of \$100 per mile per annum; which was read twice by its title, and referred to the Committee on Territories.

Mr. CARTER (by request) introduced a bill (S. 7569) to reduce the rates of postage in certain cases on mail matter addressed to enlisted men in the Army, Navy, Marine Corps, and Revenue-Cutter Service; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. KITTREDGE introduced a bill (S. 7570) granting an increase of pension to George W. Hapgood; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. PERKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7571) granting an increase of pension to Levi N. Gregory (with an accompanying paper); and

A bill (S. 7572) granting an increase of pension to Warren M. Fales.

Mr. BRANDEGEE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7573) granting an increase of pension to John C. Collins; and

A bill (S. 7574) granting an increase of pension to Emily J. Larkham.

Mr. WARREN introduced a bill (S. 7575) to aid in the settlement and irrigation of the lands included in national reclama-



tion projects; which was read twice by its title, and referred to the Committee on Irrigation and Reclamation of Arid Lands.

He also introduced a bill (S. 7576) for the relief of Frederick W. Beardslee; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7577) granting an increase of pension to Frances V. Dallas; and

A bill (S. 7578) granting a pension to Sarah E. Turner.

Mr. MILLARD introduced a bill (S. 7579) granting an increase of pension to John G. Richardson; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SUTHERLAND introduced a bill (S. 7580) granting an honorable discharge to Wilbur I. Rowland; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

He also introduced a bill (S. 7581) authorizing Preston Nutter and others to enter certain lands in the former Uintah Indian Reservation in Utah; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also introduced a bill (S. 7582) granting an increase of pension to William Mulock; which was read twice by its title, and referred to the Committee on Pensions.

Mr. WARNER (by request) introduced a bill (S. 7583) to make available the waters of the James River, in the county of Stone and State of Missouri, south of township 25 north, in range 23 west, for electric power purposes; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7584) for the relief of the trustees of the Presbyterian Church of Macon, Mo.; and

A bill (S. 7585) for the relief of the trustees of the Methodist Episcopal Church of Macon, Mo.

Mr. WARNER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7586) granting an increase of pension to George Render (with accompanying papers);

A bill (S. 7587) granting a pension to George Metz, sr. (with an accompanying paper);

A bill (S. 7588) granting an increase of pension to Charles Stimson (with accompanying papers);

A bill (S. 7589) granting an increase of pension to Christine Lusk; and

A bill (S. 7590) granting a pension to Kinsley D. James (with accompanying papers).

Mr. McCREARY introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 7591) for the relief of Mrs. Sarah E. Cleveland;

A bill (S. 7592) for the relief of the town of Nicholasville, Ky., and the Presbyterian Church of Nicholasville, Ky.; and

A bill (S. 7593) for the relief of Mingo Peters (with an accompanying paper).

Mr. McCREARY introduced a bill (S. 7594) to correct the military record of John Curtis; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 7595) granting a pension to Elizabeth S. Norton; and

A bill (S. 7596) granting an increase of pension to Alexander C. Carman.

Mr. STONE introduced a bill (S. 7597) for the relief of Charles L. Blanton; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7598) granting an increase of pension to Jesse C. Newell; and

A bill (S. 7599) granting a pension to Charles W. McMullen.

Mr. CLAPP introduced a bill (S. 7600) granting an increase of pension to Sylvanus S. Boynton; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PATTERSON introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7601) granting an increase of pension to Catherine Cooper;

A bill (S. 7602) granting a pension to Nancy E. Weatherman;

A bill (S. 7603) granting an increase of pension to W. C. Beale; and

A bill (S. 7604) granting an increase of pension to John B. Morgan.

Mr. BEVERIDGE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 7605) granting an increase of pension to Judiah B. Smithson;

A bill (S. 7606) granting an increase of pension to Samuel Reeves (with an accompanying paper);

A bill (S. 7607) granting an increase of pension to David M. Haskell (with an accompanying paper);

A bill (S. 7608) granting an increase of pension to Joseph C. Allison;

A bill (S. 7609) granting an increase of pension to Thomas Strong; and

A bill (S. 7610) granting an increase of pension to Frederick Kurz.

Mr. LODGE introduced a bill (S. 7611) granting a pension to H. A. Johnson; which was read twice by its title, and referred to the Committee on Pensions.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. FULTON submitted an amendment proposing to appropriate \$5,000 for establishing a telephone line from the Umpqua River life-saving station, Oregon, to a point at the mouth of the Siuslaw River, intended to be proposed by him to the sundry civil appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

He also submitted an amendment authorizing the payment to the Lower Band of Chinook Indians of the States of Oregon and Washington of \$337,870.94, in full payment of lands taken from them by the United States, in accordance with the findings of the Court of Claims, etc., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment including Alaskan Indians among the pupils who may be educated at the Indian school, Salem, Oreg., intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. TELLER submitted an amendment authorizing the issuance of fee-simple patents to Eddie Perryman, a full-blooded Creek Indian, for certain lands, etc., intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

He also submitted an amendment conferring upon the Court of Claims jurisdiction to hear, determine, and render final judgment in the case of the White River Utes, etc., v. The United States, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

He also submitted an amendment authorizing the issuance of fee-simple patents to Tobe Tiger and certain other Creek Indians in the Indian Territory for lands heretofore allotted to them, intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Indian Affairs.

Mr. ANKENY submitted an amendment relative to the allotment of lands in severalty out of any unallotted lands on the Yakima Reservation, in the State of Washington, etc., intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

He also submitted an amendment directing the Secretary of the Interior to pay to Alexander Mark, of King County, Wash., all moneys now held by the Government in trust for him, etc., intended to be proposed by him to the Indian appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Indian Affairs.

Mr. FRAZIER submitted an amendment proposing to appropriate \$1,083 to pay J. L. Percy for services as clerk to the conference minority of the House of Representatives from December 16, 1903, to June 30, 1904, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. KITTREDGE submitted an amendment conferring upon the Court of Claims jurisdiction to hear, determine, and render final judgment upon the claim of Esther Rousseau, etc., intended

to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

Mr. BURKETT submitted an amendment proposing to appropriate \$2,500 for completing the paving of Florida avenue from Eighteenth street to Connecticut avenue, intended to be proposed by him to the District of Columbia appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

#### EXTENSION OF RAILWAY TRACKS IN THE DISTRICT OF COLUMBIA.

Mr. CARTER submitted an amendment intended to be proposed by him to the bill (S. 6147) authorizing changes in certain railway tracks within the District of Columbia, and for other purposes; which was ordered to lie on the table, and be printed.

#### REGULATION OF INTERSTATE COMMERCE.

On motion of Mr. STONE, it was

Ordered, That 500 additional copies of S. 7219, to amend section 1 of act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906, be printed for the use of the Senate.

#### RECLAMATION OF SWAMP AND OVERFLOWED LANDS.

On motion of Mr. CLAPP, it was

Ordered, That 100 additional copies of S. 7290, for the establishment of a drainage fund and the construction of works for the reclamation of swamp and overflowed lands, be printed for the use of the Senate.

#### INVESTIGATION OF RAILROAD COLLISIONS, ETC.

Mr. CARTER submitted the following concurrent resolution; which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved by the Senate (the House of Representatives concurring), That the appointment of a joint committee of the two Houses of Congress is hereby authorized, to be composed of four Senators, to be appointed by the Vice-President, and five Members of the House, to be appointed by the Speaker, which joint committee shall, as a body or through subcommittees of its members, investigate and report to Congress before January 1, 1908, its findings as to the causes of collisions, wrecks, and accidents of all kinds, involving personal injuries or loss of life, on railroads engaged in interstate commerce or operating in whole or in part in any Territory or the District of Columbia, and also to recommend to Congress, by bill or otherwise, its conclusions as to the best means of reducing injury and loss of life in traveling upon or operating such railroads.*

The joint committee shall be and is authorized to send for persons and papers, compel the attendance of witnesses and the production of documents and records, and to administer oaths through any of its members, and any subcommittee thereof shall have and may exercise the power and authority hereby conferred on the joint committee.

The said joint committee or any subcommittee thereof may sit during the sessions or in the recess of Congress.

*Be it further resolved,* That the sum of \$25,000, or so much thereof as may be necessary, is hereby appropriated, to be paid in equal proportions out of the contingent funds of the Senate and the House of Representatives, on the audit and order of the chairman of said joint committee, on account of clerk hire, witness fees, expert assistance, printing, traveling, and other necessary expenses incurred by the joint committee or the members thereof, by, through, or on account of such investigation and report.

#### THE PANAMA RAILROAD.

Mr. MORGAN. I send to the desk a resolution and I ask for its present consideration.

The resolution was read, as follows:

*Resolved,* That the following official papers relating to the Panama Railroad, viz, a letter of B. F. Harper, auditor, dated November 24, 1906, addressed to the Secretary of the Treasury; and a letter of the Secretary of the Treasury, dated December 19, 1906; and a letter from T. P. Shonts, dated January 5, 1907, transmitting a tabulated statement of the financial condition of said railroad, together with such statement, be printed in the CONGRESSIONAL RECORD and also as a Senate document. And that the same be referred to the Committee on Inter-oceanic Canals and also, for information, to the Committee on Appropriations.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. MORGAN. I hold in my hand the official papers to which the resolution refers. They have been obtained after a very considerable amount of research and examination of the records of the Panama Railroad, the Isthmian Canal Commission, and the Treasury Department. I ask that the resolution be adopted in order that the two committees referred to may have the benefit of this examination.

The resolution was agreed to.

TREASURY DEPARTMENT,  
Washington, November 24, 1906.

#### THE SECRETARY OF THE TREASURY.

SIR: I have the honor to return herewith letter of the Hon. JOHN T. MORGAN, United States Senate, dated November 20, 1906, in relation to the accounts of the Panama Railroad Company, by you referred to this office for report.

So far as this office is advised, no separate account is kept in this department between the Panama Railroad Company and the United States. The Panama Railroad Company, as shown by the accounts of the Isthmian Canal Commission, is a corporation doing business as such, and money which it disburses is the money of the corporation as distinguished from public funds, and the accounts of the corporation are in no way subject to the scrutiny or audit of the Treasury Department.

The Panama Railroad Company renders no accounts to this office as a disbursing or collecting agent of the United States, and if public funds have come into its hands for disbursement it is without the knowledge of this office.

Various amounts have been advanced by the Isthmian Canal Commission to the Panama Railroad Company under agreement to return the same. Aside from these advances, authorized by Congress, the Panama Railroad Company is treated in the accounts of the disbursing officers of the Isthmian Canal Commission submitted to this office as a contracting corporation furnishing services and materials to the United States. The accounts submitted for audit show the services rendered and materials furnished and the amounts paid therefor. These accounts also purport to show all materials sold to and services rendered for the Panama Railroad Company by the Isthmian Canal Commission, and the amounts received for the sale of such materials and for the performance of such services have been covered into the Treasury as miscellaneous receipts.

Respectfully,

B. F. HARPER, Auditor.

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, December 19, 1906.

Hon. JOHN T. MORGAN,  
United States Senate.

SIR: Referring to your inquiries upon the subject of the accounting between the Panama Railroad Company and the Treasury, and as to the state of the accounts, and the amount of receipts and disbursements of the company since 1904, I have the honor to advise you as follows: Receipts into the United States Treasury through the Isthmian Canal Commission on account of the Panama Railroad.

	Fiscal year 1905.	Fiscal year 1906.	Fiscal year 1907, July to November, inclusive.
Annual subsidy .....	\$25,000.00	\$25,000.00	.....
Dividends on Panama Railroad stock ..	344,945.00	.....	.....
Sale Panama Railroad stock .....	.....	1,300.00	.....
Work done by Canal Commission .....	160.64	17,548.33	\$25,694.63
Earnings: Telephone and telegraph service .....	1,138.45	114.16	387.87
Freight refunded by railroad company ..	8.97	.....	.....
Rentals, canal property .....	.....	101,518.69	61,160.52
Interest on loans made by Canal Commission .....	.....	.....	10,462.48
Sales of Government property .....	.....	235,198.92	360,799.65
Total .....	371,253.06	380,680.10	458,506.05

As no separate account is kept in this Department between the railroad company and the United States, the disbursements to or of the company are not of record in the Treasury.

Further, the Treasury Department is not advised of the relations existing between the Panama Railroad Company and the Isthmian Canal Commission, and therefore can furnish no additional data to that above given.

A copy of the report made in the matter by the Auditor for the War Department on the 24th ultimo is inclosed for your information, and it is suggested that inquiries be made of the War Department for the detailed information desired.

Respectfully,

J. H. EDWARDS,  
Acting Secretary.

PANAMA RAILROAD STEAMSHIP LINE,  
Washington, January 5, 1907.

DEAR SIR: Referring to my letter of the 2d instant, I beg to inclose to you herewith statement prepared by the general auditor, showing the results of operations of the Panama Railroad Company from January 1, 1903, to October 31, 1906, by years.

In this statement is shown not only earnings and expenses, but the net earnings are carried through to profit and loss account, thereby showing the net results after all payments and adjustments during the period covered.

Very truly, yours,

T. P. SHONTS, President.

Hon. JOHN T. MORGAN,  
United States Senate, Washington, D. C.

Panama Railroad Company—Statement of earnings, expenses, and income, and profit and loss account, amount expended for new construction and improvement, and amounts paid United States Government January 1, 1903, to October 31, 1906.

Year.	Gross earnings.	Operating expenses.	Net earnings.	Miscellaneous income.	Total income.
1903 .....	\$2,587,976.69	\$1,738,407.86	\$849,568.83	\$76,074.60	\$925,643.43
1904 .....	3,206,621.76	2,045,025.89	1,161,595.87	\$61,237.86	1,222,833.73
1905 .....	3,689,179.46	2,858,613.33	830,566.13	33,564.55	864,130.63
1906 to Oct. 31 ..	8,006,727.48	2,596,213.96	1,010,513.52	8,992.59	1,001,520.93
Total ..	13,090,505.39	9,238,261.04	3,852,244.35	161,884.42	4,014,128.77

Year.	Interest on bonds.	Charges against income.		Net income carried to profit and loss.
		Sinking fund and subsidy charges.	Miscellaneous.	
1903 .....	\$102,645.00	\$400,000.00	\$21,930.13	\$401,068.30
1904 .....	101,360.62	400,000.00	10,573.12	710,894.99
1905 .....	103,601.25	400,000.00	10,165.54	350,363.89
1906 to Oct. 31 ..	82,338.75	333,333.33	1,342.55	584,506.30
Total ..	389,945.62	1,533,333.33	44,016.34	2,046,833.48

\* These amounts being interest and exchange, were included in gross earnings in the published annual reports.



## Panama Railroad Company—Statement of earnings, etc.—Continued.

Year.	Debits and credits to profit and loss.				Net increase or decrease in P. & L. balance.
	Dividends.	Property adjustment.	Miscellaneous adjustment.	First mortgage 4½ per cent bonds redeemed.	
1903.....	\$560,000.00	\$540.00	\$8,734.52	\$140,000.00	\$9,657.18
1904.....	175,000.00	59,570.00	10,831.46	140,000.00	605,493.53
1905.....	350,000.00	73,083.60	12,991.61	140,000.00	54,288.63
1906.....		120,940.04	15,311.44	140,000.00	618,877.70
Total....	1,085,000.00	253,053.64	222.89	560,000.00	1,269,002.73

Year.	Amount expended for new construction and improvements not included in operating expenses.	Amount paid to the United States Government.			
		Date paid.	Dividends.	Date paid.	Subsidy.
1903..	\$20,702.37				
1904..	34,543.40				
1905..	591,273.92	Feb. 1, 1905	\$344,905.00	Feb. 17, 1905	\$25,000.00
1906..	1,223,540.67			Feb. 16, 1906	25,000.00
Total.	1,870,060.36		344,905.00		50,000.00

E. S. BENSON, General Auditor.

WASHINGTON, D. C., January 4, 1907.

## PROPOSED CLAIMS INVESTIGATION.

Mr. WARREN submitted the following concurrent resolution; which was referred to the Committee on Claims:

Whereas some confusion has arisen respecting the reference of claims to the Court of Claims by the Houses of Congress and their respective committees under the acts of March 3, 1883 and 1887, commonly known as the "Bowman Act" and the "Tucker Act," and as to whether jurisdiction should not be given to said court to render judgments in all such cases if the statute of limitations were removed; and Whereas there is also a difference of opinion among members of Congress as to whether the Spanish Treaty Claims Commission should be continued or abrogated and its business transferred to some other tribunal: Therefore be it

Resolved by the Senate (the House of Representatives concurring), That a joint committee of three members from the Senate and five Members from the House be appointed by the President of the Senate and the Speaker of the House, respectively, to inquire into the wisdom of a repeal or modification of the acts of March 3, 1883 and 1887, respectively, or the substitution thereof of some law having uniform application to claimants, removing the bar of the statute of limitations from claims, and fixing a definite time within which suits should be commenced in said court.

Said committee is also authorized to inquire as to the wisdom of continuing the Spanish Treaty Claims Commission or abolishing the same and transferring its business to some other tribunal, with such appropriate legislation respecting the same as may in the judgment of said committee be deemed necessary.

And said committee is hereby directed to report their conclusions, with such bills, if any, as they may agree upon, at the next session of Congress.

## INVESTIGATION OF AFFAIRS IN INDIAN TERRITORY.

Mr. CLARK of Wyoming. Mr. President, I ask unanimous consent that the time for the report of the committee to investigate affairs in the Indian Territory be extended until the 16th of January. This request is made because of the fact that the Department of the Government having to do with Indian affairs has other matters which it wishes to present to the committee between this and that time.

The VICE-PRESIDENT. The Senator from Wyoming asks unanimous consent that the time fixed for the report of the Committee on Indian Affairs be extended to the 16th day of January. Is there objection? The Chair hears none, and it is so ordered.

## SHOOTING AFFRAY AT ATHENS, OHIO.

Mr. TILLMAN. I ask unanimous consent for the consideration of the resolution which I send to the desk.

The VICE-PRESIDENT. The resolution submitted by the Senator from South Carolina will be read.

The Secretary read the resolution, as follows:

Resolved, That the Secretary of War be, and he is hereby, directed to furnish the Senate copies of all official letters, telegrams, reports, orders, and other documents, filed in the War Department having relation to the shooting affray which occurred in the town of Athens, Ohio, on the night of Friday, August 19, 1904, and which involved members of the Ohio National Guard and some of the United States troops participating in the maneuvers of the Ohio National Guard, in addition to those furnished in Senate Document No. 155, second session Fifty-ninth Congress, page 414 et seq.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. FORAKER. Mr. President, during the recess, looking through Senate Document No. 155, I read what was there re-

ported as to the shooting affray at Athens, Ohio. Understanding that it was incomplete and having some recollection of the matter, the affair having occurred in our State, I addressed a communication to the Secretary of War requesting that all additional letters, orders, telegrams, and other documents that might be on file in the War Department in relation to the matter should be furnished to me. I received a letter from the Secretary of War a day or two later, saying that there was a lot of testimony that had been taken at a preliminary hearing that he thought I would not have any need for, though if I wanted it the Department would furnish it; that it would make a very voluminous document and cause considerable delay, but that if I would omit that they could furnish me everything else very promptly. I then wrote modifying my request, as suggested by the Secretary of War, under date of December 28, 1906, and the following reply was made:

In response to your letter of the 26th instant, as modified by your letter of the 28th instant, I have the honor to transmit herewith copies of documents as follows:

(3) Copies of all correspondence, including letters, telegrams, and orders that have been found on file in the War Department relative to the affair at Athens, Ohio, August 19, 1904, except the transcript of the record, with evidence, in the Athens County trials.

I call the attention of the Senator from South Carolina to the fact that I have from the War Department, in response to the request I made, all, as I understand, of the documents on file in that Department, except only that testimony and the record in those cases. I have looked through it, and I think it probably gives all the information on the subject that the Senator may desire to have. Now that it has been called for, if there is no objection, I will offer this matter, and the Senator can look it over. I sent for it not knowing whether I would desire to use it or not.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Yes.

Mr. TILLMAN. I was not aware that those documents were in the possession of any Senator; but looking through Senate Document No. 155 I noticed that the account of the Athens riot or murder or whatever it was—riot and murder both, it appeared to be—

Mr. FORAKER. It is characterized by the War Department as "a disturbance."

Mr. TILLMAN. Well, anyhow, there was a militiaman shot and killed and another one wounded, and the provost guard was overpowered by the regulars and a mob of fifty or sixty, or something like that, and I wanted the facts. I do not want to have so much particularity in some of these other instances and a seeming indifference or unwillingness to furnish us with official correspondence in the Athens matter. If the Senator has that and will have it ordered printed that will answer my purpose.

Mr. FORAKER. I will offer the matter furnished me, and ask that it may be printed as a Senate document. I got it with the idea that I might possibly want to make some use of it in connection with the investigation if we see fit to make one; but it can be used in the form of a Senate document just as well. I ask that the correspondence I send to the desk may be printed as a Senate document.

The VICE-PRESIDENT. The Senator from Ohio asks that the papers sent by him to the Secretary's desk may be printed as a Senate document.

Mr. TILLMAN. With the understanding, of course, that they are official and come from the Secretary of War.

Mr. FORAKER. I have no doubt that the correspondence is complete. Of course it is official, for it comes from the Secretary of War. I have read enough from the letter of the Secretary of War addressed to myself to show the character of it.

Mr. TILLMAN. I merely want to get the evidence in such shape that it can not be impugned or attacked.

Mr. FORAKER. It will not be. The Secretary of War was very courteous, very prompt, and very obliging about it in every way. He did not seem to have any disposition to withhold anything in connection with the matter. I have no doubt everything is there, though I do not know, as I have never examined the record.

Mr. TILLMAN. I merely wanted to get at the attitude of the War Department in regard to the defense of these soldiers by the Judge-Advocate-General's office and the appeal made to the Department of Justice for help; that is all. I presume the Senator knows whether those things are in there or not.

Mr. FORAKER. Yes, Mr. President; but I will state, if the Senator desires me to do so, that it does appear from what I have sent to the desk to be printed that the War Department did send the Judge-Advocate-General to the town of Athens,

Ohio, with instructions to appear for the defense of the men who were indicted, and also directed the district attorney for the southern district of Ohio to watch the proceedings and give such help as he might be able to afford, all upon the theory that an enlisted man of the United States Army, when in trouble, was in a sense the ward of the Government, whom the Government should take care of in so far as that might be done with propriety when he should get into trouble in connection with his line of duty; but later, when the point was made that this affair had occurred outside of the line of duty of these men, the Secretary of War recognized, as the record shows, that there was some doubt about the propriety of the interference of the Government in that respect. My recollection is that the record shows that the Secretary of War then directed, or somebody else did, that the Judge-Advocate-General desist from further efforts and leave the men who had been indicted to trial and to such defense as might be provided under the laws of Ohio.

Mr. TILLMAN. Mr. President, I think the information I seek is certainly contained in the correspondence which the Senator from Ohio presents. I will therefore withdraw the resolution I offered if the Senate will order the printing of the document the Senator from Ohio mentioned.

The VICE-PRESIDENT. Is there objection to printing the document which has been presented by the Senator from Ohio? The Chair hears none, and that order is made. The Senator from South Carolina withdraws the resolution submitted by him.

#### DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

The VICE-PRESIDENT. If there be no further concurrent or other resolutions, the Chair lays before the Senate, in pursuance of the unanimous-consent agreement, a resolution submitted by the Senator from Ohio [Mr. FORAKER], which will be read.

The Secretary read the modified resolution submitted by Mr. FORAKER December 20, 1906, as follows:

*Resolved*, That the Committee on Military Affairs be, and hereby is, authorized to take such further testimony as may be necessary to establish the facts connected with the discharge of members of Companies B, C, and D, Twenty-fifth United States Infantry, and that it be, and hereby is, authorized to send for persons and papers and administer oaths, and report thereon, by bill or otherwise.

Mr. LODGE. Mr. President, the Calendar shows that the junior Senator from Oregon [Mr. GEARIN] has given notice that on this morning he would address the Senate in regard to our relations with Japan. Of course I do not desire to interfere with that Senator by proceeding now to speak in regard to the amendment which I offered to the pending resolution. I shall, therefore, yield the floor to the Senator from Oregon that he may address the Senate, as he gave notice that he would. But I desire to say, Mr. President, that as soon as that Senator shall have concluded I shall, if I can secure recognition, take the floor in regard to the amendment which I offered on Thursday last. I am extremely anxious to press the consideration of the resolution, and under the unanimous-consent agreement I believe it is the understanding of the Senate that the resolution is to be considered until disposed of, of course not interfering with the unfinished business. I am very anxious, as I think all Senators must be, to have this resolution disposed of, and, I hope, adopted. Therefore I repeat, Mr. President, that when the Senator from Oregon shall have concluded I shall, if I can be recognized, take the floor in regard to the amendment to the resolution of the Senator from Ohio which I offered on Thursday last.

Mr. ALDRICH. Mr. President, I was not present when the agreement suggested by the Senator from Massachusetts [Mr. LODGE] was made, but I suppose he is aware, as other Senators are aware, that the resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. LODGE. What is the suggestion of the Senator from Rhode Island?

Mr. ALDRICH. I suggest that after the Senator from Massachusetts shall conclude his remarks, or any other Senator who may desire to speak to-day, then the resolution will have to be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. LODGE. Mr. President, there are several Senators who have told me that they desire to be heard in regard to the amendment which I offered to the resolution of the Senator from Ohio. I know the Senator from Virginia [Mr. DANIEL] and the Senator from Wisconsin [Mr. SPOONER] both desire to be heard in regard to my amendment. So I do not think we can make any agreement to refer the resolution to-day.

Mr. ALDRICH. If any Senator desires to speak, I shall not, of course, press the motion, but I shall at the proper time move that the resolution be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. LODGE. That can be done after the resolution shall have been adopted by the Senate.

Mr. ALDRICH. It can not be adopted by the Senate until it shall first go to the Committee on Contingent Expenses.

Mr. FORAKER. Mr. President, whether this resolution should go to the Committee to Audit and Control the Contingent Expenses of the Senate or not, it is now under consideration in the Senate. When the resolution was brought up some days ago, it was understood then, or I understood, at any rate, that we should go ahead and debate the resolution if it was desired to debate it, and finally, when the debate was concluded upon it, it would go to the Committee on Military Affairs, but with the understanding that there would have to be provision made for the expenses to be incurred by the committee before any proceedings should be taken. I do not care whether that is done before the resolution goes to the Committee on Military Affairs or later.

Mr. ALDRICH. The rule of the Senate and the practice has been to refer resolutions which are a charge upon the contingent fund of the Senate to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. FORAKER. There will be no trouble about that. I do not care whether that is done before or after, so that at some time it is done.

Mr. President, what I rose for more particularly was to call attention to the fact that we have, as I understand it, a unanimous-consent agreement that at the close of the morning hour each and every morning, until it is disposed of, this resolution is to be taken up for consideration and be debated. That being the case, no Senator, it seems to me, ought to give notice that he wants to make a speech at the conclusion of any day's business, because he can not do it without interfering with that consent agreement; and during all the years I have served in this body we have never violated a consent agreement after we have made it.

Mr. FULTON. Mr. President, in justice to my colleague [Mr. GEARIN], I desire to call the attention of the Senator from Ohio to the fact that my colleague gave notice of his intention to address the Senate before this unanimous-consent agreement was reached.

Mr. FORAKER. Mr. President, I was about to say, and should have said it before this if the Senator had not interrupted me, that the circumstances connected with the giving of this particular notice are peculiar. The Senator from Oregon did give this notice before we had arrived at that agreement. But I want now to call the attention of Senators to the fact that we have this consent agreement, and that no notice can properly be given that will interfere with that consent agreement, and I shall deem it my duty to insist upon the consent agreement being acted upon each morning at the close of the routine morning business. Of course it has been said here that the giving of such a notice did not confer any right; but at the same time, whether it confers any right or not, we all respect the desires of a colleague in that sense and desire to comply with his wishes.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. I do.

Mr. CULBERSON. I ask the Senator from Ohio, if he has the Record before him, on what day the consent agreement to which he refers was entered into?

Mr. FORAKER. I understand it to have been entered into on last Thursday upon the suggestion of the Senator from Maine [Mr. HALE]. The language of it is simply that which was employed by the Senator, which was acquiesced in by the Senate. This was at the close of his remarks and is his last statement on the subject:

Mr. HALE. Let it be understood, Mr. President, that the resolution comes up at the end of the routine morning business, as it did to-day, and is before the Senate. If that is the understanding, I shall move that when the Senate adjourns to-day it be to meet on Monday next.

That was acquiesced in by everybody. There is no statement to the contrary.

Mr. McCUMBER. Mr. President—

Mr. FORAKER. Let me add another word, and then I will yield.

The VICE-PRESIDENT. The Senator from Ohio [Mr. FORAKER] has the floor.

Mr. FORAKER. The Senator from Massachusetts [Mr. LODGE] calls my attention to what I thought was in the Record, but I have not yet been able to find, in the hurry of the moment, when the suggestion was made that there was no agreement. I did not know that anybody questioned that that agreement had been made. Following the various suggestions that were made, on page 639 of the Record I find this:

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that, at the end of the routine morning business on the next leg-



islative day, the resolution respecting the Brownsville matter be laid before the Senate. Is there objection to the request? The Chair hears none, and it is so ordered.

Mr. HALE obtained the floor.

Mr. CARTER, Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Montana?

Mr. HALE. Yes.

I think that is all there is on that point; but clearly we have a unanimous-consent agreement that this resolution shall be the order of business to-day at the close of the routine morning business.

Now, I hope that nobody will try to interpose any other business to-morrow or any other day until we do dispose of this resolution. If they do, I want to give notice that I shall call the resolution up. We might have a consent agreement that it is to come up regularly. I give notice that I will call it up and insist on its consideration at the close of the routine business each morning of every day until there is a vote on it.

Mr. OVERMAN. Mr. President, I desire to state to the Senator from Ohio that I gave notice at the same time the Senator from Oregon gave his notice that I would address the Senate on Senate resolution No. 200. Although it was on the same day, I think it was prior to the time the unanimous-consent agreement to which the Senator refers was made. Of course I have no desire to interfere with the resolution of the Senator from Ohio. I can go on at any time, but I want to say that the notice which I gave was before the unanimous-consent agreement was made.

Mr. FORAKER. Of course, then, I put the Senator from North Carolina in the same class with the Senator from Oregon. I would not have any right to complain of any Senator who wants to give a notice of this kind. I only want to call attention to the fact that we already had a unanimous-consent agreement which was in conflict with the desire of the Senator who gave the notice, and would be in conflict if it were to continue from day to day, as I suppose it is, with any other notice that might be given; but I was hoping that no other Senator would give any further notice. I understand, however, the Senator from North Dakota [Mr. McCUMBER] also has given a notice, which appears on the Calendar, and I suppose we shall have to respect that; but I only want now to have it understood that I shall press this resolution every morning until it is finally concluded.

Mr. McCUMBER. Mr. President, I simply desire to call the attention of the Senator from Ohio to the fact that there has been no unanimous-consent agreement to take up this resolution except for the day. If it can be considered to be a unanimous agreement, it is for to-day only. Before the resolution was taken up last Thursday notice was given that I should call up the pension bill. I yielded with the understanding that the Senator from Texas [Mr. CULBERSON] would go on with the discussion of this resolution, and that I could substitute another day. That other day was substituted. I called up the pension bill prior to the time at which it was agreed to take up this resolution for to-day. So, as the record now stands, neither of these notices are in the slightest degree inconsistent with the unanimous-consent agreement made at the request of the Senator from Ohio.

Mr. FORAKER. Mr. President, I do not wish to interfere with any of the notices which have been given, because, under the circumstances, Senators having given them, I think they ought to be respected according to the practice of the Senate; but I ask unanimous consent that it may be the order of the Senate that at the close of the routine morning business each and every morning, except the mornings for which these notices are given, the pending resolution may be taken up for consideration.

Mr. HEYBURN. Mr. President, before unanimous consent is given in that regard, I should like to inquire as to the status this resolution will have under this unanimous-consent agreement. I understand it to be the request that the agreement shall continue until the resolution is finally disposed of. What is the point of disposition to which the unanimous-consent agreement shall apply?

Mr. LODGE. The passage of the resolution.

Mr. HEYBURN. As I understand it, it is the suggestion of the Senator that it is the passage of the resolution. I understand that it is not contemplated that the resolution shall be discussed and voted upon before going to a committee. The question, as I understand it, is not shall this resolution be referred to a committee—that is not the question being considered. So the unanimous consent might result in tying up here, by the consideration of this resolution day after day to the exclusion of everything else, other matters which Senators may deem of equal or of more importance. I shall therefore feel inclined to oppose any unanimous-consent agreement that will place this

resolution—which, in my judgment, is of minor importance—in such a position of advantage that all other legislation must stand still until it has been discussed, so far as Senators may desire to discuss it. There are other measures on the table which were considered of sufficient importance to be placed there in order that they might be brought up for discussion at an early day in the Senate, with a view of acting on them after such discussion. I shall object to unanimous consent being given that this resolution and the amendment to the resolution shall be taken up each morning at the end of the routine morning business to the exclusion of other matters which are entitled to be called up.

Mr. CULBERSON. Mr. President, before we pass from this resolution, and asking pardon of the Senator from Oregon [Mr. GEARIN], I desire to offer an amendment to it. I propose to add after the last word of the resolution the following:

The committee, or any subcommittee thereof, is further authorized, if deemed necessary, to visit Brownsville, Tex., inspect the locality of the recent disturbance, and examine witnesses there.

Mr. FORAKER. In so far as I have power to do so, I accept the amendment offered by the Senator from Texas.

Now, in view of some considerations that have been suggested to me since the request a moment ago for unanimous consent, I withdraw the request and shall present it later if circumstances warrant.

The VICE-PRESIDENT. The amendment proposed by the Senator from Texas [Mr. CULBERSON] will lie on the table and be printed.

#### TREATY WITH JAPAN.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution submitted by the Senator from Oregon [Mr. GEARIN] on December 12, 1906, which will be read.

The Secretary read the resolution, as follows:

Whereas a controversy has arisen as to the rights of Japanese residents in the United States under the existing treaty with Japan and it is desirable that all cause of misunderstanding as to the scope and meaning of the terms used in that treaty should be removed to the end that the present friendly relations between the two Governments should continue; and

Whereas the Senate considers that the further unrestricted immigration of Japanese laborers into this country is not desirable: Therefore be it

Resolved, That it is the sense of the Senate that it is advisable that negotiations should be entered into with the Japanese Government by the proper executive officers of the United States with a view of securing such modification of the existing treaty with Japan as will clearly define and enumerate the rights guaranteed Japanese under said treaty, and will provide that the further coming of Japanese coolie laborers into the United States be prohibited altogether.

Mr. GEARIN. Mr. President, the question of Japanese immigration to the United States and the rights of Japanese residents within the United States is a question of immediate importance not only to the State of California, but to my own State as well, and largely to the West. I have felt, Mr. President, since the receipt at the opening of this Congress of the President's message, containing the President's views upon this subject, that there should some time come out of the West an answer to that message and its criticism. That answer will come later. This morning I shall content myself merely with outlining what I think will be the cogent reasons supporting that answer when it is given.

Although by the Constitution the power to make treaties with foreign governments is not vested in the Congress, yet, inasmuch as no treaty can be entered into until the action of the Executive in negotiating it is ratified by the Senate, it can not be deemed a presumption to suggest in advance to the President the desirability of a treaty, if one does not exist, or the modification of one already existing and which the Senate has heretofore ratified.

The right to make such suggestion exists, I take it, at all times and the propriety of exercising that right with reference to the present treaty with Japan, in the light of recent occurrences and Executive communications, must be apparent.

While a treaty during its life is the supreme law of the land, with reference to the matters and provisions and stipulations expressly declared in it, or reasonably within the sweep of the contractual obligations between the parties, yet it is, after all, but a mutual understanding reduced to writing, limited as to time and subject to change by the consent of the contracting parties, as all contracts are and necessarily must be.

The treaty to which I now wish to attract the attention of the Senate was proclaimed on the 21st day of March, 1895, and went into operation July 17, 1899, and by its terms was to continue in force twelve years. It was a satisfactory treaty then, and in its main provisions is satisfactory now. But great changes have come in the last twelve years—changes in conditions, changes in policies, changes in our relations with the nations and our relations with and knowledge of the people of Japan—but greatest of all, changes in Japan and her marvelous

advancement as one of the great "world powers" of the earth. And during those years and while these changes were in progress, changes which, among other things, made us a close neighbor to Japan where our Eastern possessions are almost within the shadow of the Mikado's flag, there has never been a day during Japan's trouble or our own when there did not exist between the two nations the warmest feelings of friendship and mutual esteem. Those feelings between the two nations exist to-day and it is the desire and hope of the people of this country that they shall remain so. And it is because of that hope, and ministering in a way to its realization, that I ask for the passage of this resolution and Executive action in pursuance of it.

We are at peace now with Japan, but we shall not continue so without a better understanding of the rights guaranteed by the present treaty and the obligations imposed by its terms. When this treaty was written it was considered, I presume, to be clear in its terms and specifications as to all the rights to be enjoyed by the citizens of both the contracting parties—so clear and definite that disputes as to its meaning could never arise. And it was thought that both nations could continue to live in amity under it. But it seems that this reasonable expectation of those who formulated the treaty is not to be realized. A very serious trouble has come about—a trouble that may lead to other and more serious troubles—and I think it is the opinion of all fair-minded men that if there is any question about this treaty or what it means, or in any respect whatever, we should have a new treaty about which there could be no such question. And this in fairness to Japan as well as ourselves.

Up to a few months ago no difficulty had arisen—no contention by anybody that the rights of Japanese residing in the United States were other or greater than as enumerated in the treaty itself. And the peoples of the two countries were in perfect accord in all things. But suddenly and without any premonitory symptoms to announce the coming of a change, this peace and quiet was turned into turmoil and strife. Public meetings were called, resolutions were adopted, the public press day after day contained inflammatory articles on the strained relations between this Government and the Government of Japan, and even European newspapers took hold of the situation and added fuel to the flame. And all this confusion and uproar arose about what? A very simple thing. In the month of October, last year, the board of education of the city and county of San Francisco—a State board created by and carrying out the provisions of a State law—made a regulation providing for a separation of Japanese from white pupils in the public schools of San Francisco. Whether such regulation was wise or unwise is a matter with which we are not concerned. It was a regulation the board undoubtedly had a right to make, and did make, and it was fully approved by the people of San Francisco and, so far as public report may be credited, by the people of the whole State of California.

There were at that time (October 11, 1906) in the public schools only 93 Japanese pupils, and of this number 68 were born in Japan and 25 in the United States. These pupils had before that time been attending public schools in company with white children and no attempt had been made to separate them, and the board of education had adopted no rule on the subject. Possibly no rule would have been adopted, at least not at that time, were it not that the disastrous conflagration which destroyed more than one-half of the city, destroyed at the same time the school buildings where these Japanese had been accustomed to attend school, and they were forced into another part of town where school facilities were so meager that attention was called to their presence. Then the order was made that they attend a separate school. The right to make such an order always existed, but it was not exercised. When the right was challenged by the Japanese it was promptly asserted by the school board and the rule enforced. Complaint was made by the Japanese representative in San Francisco, and suddenly this matter—a matter exclusively under the control of the State in the administration and carrying out of its domestic policy—became a question of national importance. To what extent it came to be a matter of national concern may be judged from the following extracts from the President's message submitted to Congress December 4, 1906. After eulogizing the Japanese and stating that generally they were well received and welcomed by our citizens, the message proceeds:

But here and there a most unworthy feeling has manifested itself toward the Japanese—the feeling that has been shown in shutting them out from the common schools in San Francisco, and in mutterings against them in one or two other places, because of their efficiency as workers. To shut them out from the public schools is a wicked absurdity, when there are no first-class colleges in the land, including the universities and colleges of California, which do not gladly welcome Japanese students and on which Japanese students do not reflect credit.

We have as much to learn from Japan as Japan has to learn from us; and no nation is fit to teach unless it is willing to learn.

It is only a very small body of our citizens that act badly. Where the Federal Government has power it will deal summarily with any such. Where the several States have power I earnestly ask that they also deal wisely and promptly with such conduct, or else this small body of wrongdoers may bring shame upon the great mass of their innocent and right-thinking fellows—that is, upon our nation as a whole.

I recommend to the Congress that an act be passed specifically providing for the naturalization of Japanese who come here intending to become American citizens. One of the great embarrassments attending the performance of our international obligations is the fact that the statutes of the United States are entirely inadequate. They fail to give the National Government sufficiently ample power, through United States courts and by the use of the Army and Navy, to protect aliens in the rights secured to them under solemn treaties which are the law of the land. I therefore earnestly recommend that the criminal and civil statutes of the United States be so amended and added to as to enable the President, acting for the United States Government, which is responsible in our international relations, to enforce the rights of aliens under treaties. Even as the law now is, something can be done by the Federal Government toward this end, and in the matter now before me affecting the Japanese, everything that it is in my power to do will be done, and all of the forces, military and civil, of the United States which I may lawfully employ will be so employed.

Now, Mr. President, considering the subject-matter to which this portion of the message is directed, it is difficult to understand the meaning of this warning or its scope.

It must be remembered that the only "right" which it was claimed had been denied to the Japanese was the assumed right to attend the public schools of California in company with white children. But this is not a "right" at all; certainly not a "right" with which this treaty has any concern.

California is under no obligations to the Federal Government to have public schools, or any kind of schools at all. And if she does have them it is her province, and not that of the General Government, to say how they shall be maintained and how conducted, and who may attend them and under what conditions. If the legislature of California should enact that there should be free schools for girls and not for boys, or for boys and not for girls; or should provide for primary schools only, or graded schools, or high schools, the Federal Government could not review the action of the State legislature, and I assume that nobody will claim that it could.

That the State has such exclusive control over the establishment and management of public schools has been repeatedly decided by the courts. In the case of *Cory v. Carter* (48 Ind., pp. 360, 362), the supreme court of Indiana, having before it the question whether a State law of Indiana providing that colored children should attend separate schools from white children was in violation of the Constitution of the United States, said:

There being no further restriction upon the legislative power and discretion, it necessarily follows that in providing for this system of schools the legislature is left free to fix the qualifications of pupils to be admitted to its benefits as respects age and capacity to learn—to qualify them with reference to age, sex, advancement, and the branches of learning they are to pursue; to provide for the erection and building of schoolhouses, and to designate to what schools and in what school-house the different ages, sexes, and degrees of proficiency shall be assigned. For these all concern the good order and success of the system.

It must follow that this policy or framework for that system vitally concerns and blends itself with the national affairs of the State, with its happiness and prosperity, its peace and good order, and depends upon the wisdom of the legislature, and of the agencies provided by the legislature, acting under its established rules, and comes within the power preserved by every sovereign State, and is clearly without the grants or inhibitions of such amendments to the Constitution of the United States. It being settled that the legislature must provide for the education of the colored children, as well as the white children, we are required to determine whether the legislature may classify such children by color and race, and provide for their education in separate schools, or whether they must attend the same school without reference to race or color. In our opinion the qualification of scholars on the basis of race or color and their education in separate schools involves questions of domestic policy which are within the legislative discretion and control and do not amount to an exclusion of either class.

In other words, the placing of white children of the State in one class and the negro children of the State in another class, and requiring these classes to be taught separately, provision being made for their education in the same branches according to age, capacity, or advancement, with capable teachers, and to the extent of their pro rata share in the school revenue, does not amount to a denial of equal privileges to either, or conflict with the open character of the system required by the Constitution.

The same doctrine is announced in *State ex rel. Garner v. McCann*, 21 Ohio State, 210; *People ex rel. King v. Gallagher*, 93 N. Y., 447.

On the general principle touching the right of the State to legislate upon matters concerning its internal and domestic policy and the effect of such legislation, I desire to call attention to the decision of the Supreme Court in the case of *Miln v. The City of New York*, 11 Peters, 139, in which the court says:

But we do not place our opinion upon this ground. We choose rather to plant ourselves on what we consider impregnable positions. They are these: That a State has the same undeniable and unlimited jurisdiction over all persons and things within its territorial limits as any foreign nation, when that jurisdiction is not surrendered or restrained by the Constitution of the United States. That by virtue of this it is not only the right, but the bounden and solemn duty of a State to



advance the safety, happiness and prosperity of its people, and to provide for its general welfare by any and every act of legislation which it may deem conducive to those ends, where the power over the particular subject or the measure of its exercise is not surrendered or restrained in the manner just stated. That all these powers which relate to merely municipal legislation, or what may perhaps more properly be called internal police, are not those surrendered or restrained, and that consequently in relation to these the authority of a State is complete, unqualified and exclusive. We are aware that it is at all times difficult to define any subject with proper precision and accuracy. If this be so in general, it is emphatically so in relation to a subject so diversified and multifarious as the one which we are now considering. If we were to attempt it, we should say that every law comes within this description which conserves the welfare of the people of a State, or any individual within; whether it related to their rights or their duties; whether it respected them as men or as citizens of the State; whether in their public or private relations; whether it related to the rights of persons or of property, of the whole people of a State or of any individual within it, and whose operation was within the territorial limits of the State and upon the persons and things within its jurisdiction.

It must be conceded, then, that the right of the State to establish and maintain public schools and control and direct their management is one of the rights not parted with by the State upon its admission to the Union and is still in the State. California therefore has that right, had it when her public school system was adopted, and had it when the order complained of was made. Having the right, by what authority can the President, or anyone else, say she shall not exercise it?

The excuse, and the only excuse, for the extraordinary claim set up by the President is that the treaty with Japan guarantees to Japanese school children the right to attend the public schools of all the States in the Union, and to attend them in company with white children, and this regulation complained of is in violation of the treaty. To this contention there are two answers, either of which is conclusive. In the first place there is no provision in the treaty which by any sort of construction can be made to support such a claim. The treaty consists of twenty articles besides the introduction. It will not be claimed that the question of the right of the Japanese to enter the public schools is conferred by any of the articles unless it is contained in Articles I and II. I will read Articles I and II referred to:

ARTICLE I. The citizens or subjects of each of the two high contracting parties shall have full liberty to enter, travel, or reside in any part of the territories of the other contracting party, and shall enjoy full and perfect protection for their persons and property.

They shall have free access to the courts of justice in pursuit and defense of their rights; they shall be at liberty equally with native citizens or subjects to choose and employ lawyers, advocates, and representatives to pursue and defend their rights before such courts and in all other matters connected with the administration of justice they shall enjoy all the rights and privileges enjoyed by native citizens or subjects.

In whatever relates to rights of residence and travel; to the possession of goods and effects of any kind; to the succession to personal estate, by will or otherwise, and the disposal of property of any sort and in any manner whatsoever which they may lawfully acquire, the citizens or subjects of each contracting party shall enjoy in the territories of the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native citizens or subjects, or citizens and subjects of the most-favored nation. The citizens or subjects of each of the contracting parties shall enjoy in the territories of the other entire liberty of conscience, and, subject to the laws, ordinances, and regulations, shall enjoy the right of private or public exercise of their worship, and also the right of burying their respective countrymen, according to their religious customs, in such suitable and convenient places as may be established and maintained for that purpose.

They shall not be compelled, under any pretext whatsoever, to pay any charges or taxes other or higher than those that are, or may be paid by native citizens or subjects, or citizens or subjects of the most-favored nation.

The citizens or subjects of either of the contracting parties residing in the territories of the other shall be exempt from all compulsory military service whatsoever, whether in the army, navy, national guard, or militia; from all contributions imposed in lieu of personal service; and from all forced loans or military exactions or contributions.

ART. II. There shall be reciprocal freedom of commerce and navigation between the territories of the two high contracting parties.

The citizens or subjects of each of the high contracting parties may trade in any part of the territories of the other by wholesale or retail, in all kinds of produce, manufactures, and merchandise of lawful commerce, either in person or by agents, singly or in partnership with foreign or native citizens or subjects; and they may there own or hire and occupy houses, manufactories, warehouses, shops, and premises which may be necessary for them, and lease land for residential and commercial purposes, conforming themselves to the laws, police and customs regulations of the country like native citizens or subjects.

They shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the territories of the other, which are or may be opened to foreign commerce, and shall enjoy, respectively, the same treatment in matters of commerce and navigation as native citizens or subjects, or citizens or subjects of the most favored nation, without having to pay taxes, imposts, or duties of whatever nature or under whatever denomination levied in the name or for the profit of the government, public functionaries, private individuals, corporations, or establishments of any kind other or greater than those paid by native citizens or subjects, or citizens or subjects of the most-favored nation.

It is, however, understood that the stipulations contained in this and the preceding article do not in any way affect the laws, ordinances, and regulations with regard to trade, the immigration of laborers, police, and public security which are in force or which may hereafter be enacted in either of the two countries.

Now, Mr. President, to my mind these sections show that this treaty was compiled with care and it was intended by the contracting parties that it should enumerate specifically the rights, and all the rights, which were granted by each to each, and nothing should be left to inference. And nothing is said as to the right to attend public schools. This opinion is strengthened by the fact that later on, in Article XVI, patent rights are provided for.

Mr. PERKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from California?

Mr. GEARIN. Certainly.

Mr. PERKINS. I should like to ask the distinguished Senator from Oregon, who has given this subject much thought and consideration, whether he has considered the question of the most-favored-nation clause in the treaty in its bearing upon our duty to admit to our schools children of Japanese, the same as we do those of other nations.

Mr. GEARIN. I have considered it, and I will get to it just a little later and discuss it further on.

What I mean is this. It is evident from a reading of these two articles that those who prepared the treaty intended to put in the treaty all of the rights which they were giving to these people or to our people in Japan; and as I say that is strengthened by a reference further on to a provision in regard to patent rights, as follows:

The citizens or subjects of each of the contracting parties shall enjoy in the territories of the other the same protection as native citizens or subjects in regard to patents, trade-marks, and designs, upon fulfillment of the formalities prescribed by law.

Certainly, if the provisions of Sections I and II are broad enough to include the rights now claimed by Japan they are broad enough to include this question of patents. But evidently it was not so considered by the framers of this treaty. There is a clause in Article II, which I have just read, which seems to have been overlooked in the discussions on this treaty to which my attention has been called. It is this: After enumerating the various rights which the citizens and subjects of each of the contracting parties shall have in the territory of the other, the clause ends thus:

Conforming themselves to the laws, police, and customs regulations of the country like native citizens or subjects.

What does that mean? Whatever it may be understood to mean, Mr. President, with reference to American citizens in Japan, it means with reference to Japanese residing in this country that they may have the privileges enumerated and granted them, whatever they are, but they may enjoy them only by conforming to all the laws, police and customs regulations of the country like native citizens or subjects. The framers of that treaty knew that in this country we have a dual system of laws—Federal statutes and State laws—and when the broad terms were used "Laws \* \* \* of the country" they meant to include all laws, State and Federal. If, then, by construction there can be read into this treaty a guarantee of common school privileges to the Japanese, they can enjoy them only by conforming to the laws of the country—the State law of California among others. And that law, speaking through the duly authorized officers of the State having authority to execute it, says they shall receive this education in separate schools. It would seem to me, therefore, in the first place, that no such right as is claimed by the Japanese is provided for in the treaty; but if it is guaranteed, either directly or by implication, it is subject to the limitation contained in the clause I have quoted and the rule adopted by the board is not in contravention of it.

This Government might well stand upon that interpretation and decline to consider the matter further. And in so doing it would be justified by reason and authority. This is not a new proposition at all. As long ago as 1849, in the Passenger cases, decided by the Supreme Court of the United States, in 7 Howard, page 472, Chief Justice Taney, writing a dissenting opinion, it is true, as to the main point decided in the case, but an opinion which is luminous throughout with legal thought and learning and will ever be a light upon the great constitutional questions involved, says, with reference to a similar clause in the treaty with Great Britain, rights under which were claimed in that case:

The same answer may be given to the argument on treaty stipulations. The treaty of 1794, Article IV, referred to relied on is no longer in force. But the same provision is, however, substantially contained in the first article of the convention with Great Britain, July 3, 1816, with this exception, that it puts British subjects, in this respect, on the same footing with other foreigners. But the permission there mutually given to reside and hire houses and warehouses and to trade and traffic, is in express terms made subject to the laws of the two countries, respectively. Now, the privileges here given within the several States are all regulated by State laws, and the reference to the "laws of this

country" necessarily applies to them, and subjects the foreigner to their decision and control.

Later on the question came up in California, and was decided in the case of *The People v. Naglee* (1 Cal., 232).

The legislature of California passed a law requiring foreigners, in order to entitle them to the privilege of mining in California, to procure a license for that purpose, and prohibiting all foreigners who had not such license from working the mines. The constitutionality of this act, and the question whether it violated treaties with foreign nations, came before the Supreme Court on an information in the nature of a *quo warranto* instituted by the Attorney-General against the defendant Naglee, as collector of license fees from foreign miners. In discussing the objection that this act was in violation of the rights guaranteed under treaties with foreign powers, the court said (p. 245):

First, as to treaties generally. Perhaps the most satisfactory mode of testing the validity of the law, under this point, will be to take the treaty with that power to whose subject as extensive privileges are granted by our country as to those of any other nation. We will, therefore, consider the case as if it involved our treaty relations with Great Britain, and under the supposition that a subject of the Queen of Great Britain was the person from whom the sum of twenty dollars had been exacted.

By the fourteenth article of the treaty of 1794 (known as Jay's Treaty), which was substantially renewed by Article I of the treaty of 1815, the subjects of the King of Great Britain, coming from His Majesty's territories in Europe, had granted to them liberty freely and securely, and without hindrance or molestation, to come with their ships and cargoes, to the lands, countries, cities, ports, places, and rivers within our territories, and enter the same, to resort there, to remain and reside there, without limitation of time; and reciprocal liberty was granted to the people of the United States in His Majesty's European territories; but subject always, as respects this article, to the laws and statutes of the two countries, respectively. By this treaty our inhabitants whilst in the British dominions were to abide by the laws of Great Britain; and the subjects and inhabitants of that country, when in our territories, were to abide by the laws of the United States and by the laws of the respective States where they might be. The only question, then, under this treaty is whether the act of the legislature falls within the scope of the powers of a sovereign nation, and, at the same time, is not included in the category of powers granted by the States to the General Government; for, if it falls within the former, and is excluded from the latter, then it is one of the laws which the treaty itself makes obligatory upon British subjects. But we have seen that the power of taxation, and the power of prescribing the conditions upon which aliens shall be permitted to reside in a State, are attributes of a sovereign nation, which have not, except in certain specified cases, of which the present is not one, been given up to the Federal Government. Our statute, then, is one of the laws or statutes to which the treaty by its own terms provides that the subjects of Great Britain shall be subject. \* \* \* The act, then, is not repugnant to that treaty. But even if the provisions of the statute did clash with the stipulations of that or of any other treaty, the conclusion is not deducible that the treaty must therefore stand and the State law give way. The question in such case would not be solely what is provided for by the treaty, but whether the State retained the power to enact the contested law or had given up that power to the General Government.

If the State retains the power, then the President and Senate can not take it away by a treaty. A treaty is supreme only when it is made in pursuance of that authority which has been conferred upon the treaty-making department, and in relation to those subjects the jurisdiction over which has been exclusively intrusted to Congress. When it transcends these limits, like an act of Congress which transcends the constitutional authority of that body, it can not supersede a State law which enforces or exercises any power of the State not granted away by the Constitution. To hold any other doctrine than this would, if carried out into its ultimate consequences, sanction the supremacy of a treaty which should entirely exempt foreigners from taxation by the respective States, or which should even undertake to cede away a part or the whole of the acknowledged \* \* \* territory of one of the States to a foreign nation. In the *License cases* (5 Howard, 613), Mr. Justice Daniels, speaking of the provision of the Constitution in relation to treaties, holds the following language: "This provision of the Constitution, it is to be feared, is sometimes expounded without those qualifications which the character of the parties to this instrument, and its adaptation to the purposes for which it was created, necessarily imply. Every power delegated to the Federal Government must be expounded in coincidence with a perfect right in the States to all that they have not delegated; in coincidence, too, with the possession of every power and right necessary for their existence and preservation; for it is impossible to believe that these ever were, either in intention or in fact, ceded to the General Government. Laws of the United States in order to be binding must be within the legitimate powers vested by the Constitution. Treaties in order to be valid must be made within the scope of the same power, for there can be no authority of the United States, save what is derived mediately or immediately, and regularly, and legitimately from the Constitution. A treaty no more than an ordinary statute can arbitrarily cede away one right of a State or of any citizen of a State."

Now, Mr. President, these two decisions state the law as I understand it. The principle announced is so in accord with reason and common sense that a mere statement of it should be sufficient without argument. But there is a reason in my judgment why it applies to this Japanese treaty more, indeed, than to any other treaty. There is a rule for construing treaties laid down by the Supreme Court in *Ware v. Hylton* (3 Dallas, 239), a case cited in all the books in defense of the doctrine that a treaty controls State legislation, and Mr. Justice Chase states the rule in these words:

The intention of the framers of a treaty must be collected from a view of the whole instrument and from the words made use of by them to express their intention; or from probable and rational conjecture.

If the words express the meaning of the parties plainly, definitely, and perfectly, there ought to be no other means of interpretation; but if the words are obscure or ambiguous or imperfect, recourse must be had to other means of interpretation, and in these three cases we must collect the meaning from the words or from probable or rational conjecture or from both.

Now, applying that rule to this treaty, Mr. President, we find that at the time the treaty was proclaimed, and before it went into effect, we had been having a great deal of trouble with China, with almost a similar treaty. Cases had arisen, notably the case of *Baker v. The City of Portland*, from Oregon, and the *Cue case* in San Francisco, and quite a number of cases, in which the courts laid down the rule that under the treaty then existing between this country and China the State law fell in presence of the treaty, and that the treaty was paramount.

Now, if we compare the Chinese treaty existing at that time concerning which those decisions of the courts were made with this Japanese treaty, entered into with practically a similar nation, and if we find that this Japanese treaty contains provisions not in the Chinese treaty, and if in the Chinese treaty there are provisions not in the Japanese treaty, we are entitled to consider those things as throwing light upon what was the intention of the parties when they made the treaty with Japan with reference to public schools and the right of the State to control the Japanese who might come in here.

We find, in the first place, that in the treaty with China there is a provision that is entirely left out of the treaty with Japan. It is this provision in the treaty with China of July 28, 1868:

ARTICLE VII. Citizens of the United States shall enjoy all the privileges of the public educational institutions under the control of the Government of China; and, reciprocally, Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the Government of the United States, which are enjoyed in the respective countries by the citizens or subjects of the most favored nation. The citizens of the United States may freely establish and maintain schools within the Empire of China at those places where foreigners are by treaty permitted to reside; and reciprocally, Chinese subjects may enjoy the same privileges and immunities in the United States.

Now, that is altogether left out of the Japanese treaty, a treaty that, as I said, was made immediately after the difficulties that we were having with China in the construction of and carrying out the provisions of and living under that treaty.

Now, why was it left out? It did not itself carry the privileges that are now claimed for this Japanese treaty, but it carried something. It showed that in our dealings with the Chinese people at that time we were intending that their children coming over here should have some school privileges anyhow, and the attention of the people was directed to it. Those who formulated the treaty had in their minds that they were conferring by that treaty some sort of school privileges. When it was left out of the Japanese treaty it is conclusive to my mind that it was intended by those who formulated it that there should be no treaty provision made in regard to these school privileges at all, and that the regulation of this subject should be left to the States entirely.

Furthermore, comparing the Japanese treaty with the Chinese treaty, we find that the clause "conforming themselves to the laws, police, and customs regulations of the country like native citizens and subjects" was not in the Chinese treaty. I have examined the treaty carefully and I have not found it. I do not think it is there. In construing the Chinese treaty, the courts said that no State law that was passed in regard to the Chinese could interfere in any way with the treaty.

I am not questioning now the correctness of those decisions. I am not going into that question. I am not going to discuss the broad constitutional question of how far a treaty may override a State law. I am not going into it because I do not think it is involved here, at least not in my view of this case. This treaty is so worded that it sustains the right of the State to legislate upon the question we are now considering. But I say that the Chinese treaty contained no provisions saving to the State the right to make any such law. Whether there would be a right to make it without that is a question I do not now propose to discuss.

Now, then, those who prepared the Japanese treaty put that clause in there for some reason. When they put that in the Japanese treaty, after this country had had such disastrous experience with the Chinese treaty—the *Burlingame treaty*—it was put in there because they found it necessary or at least advisable to put it there. They intended that it should carry with it the full effect that I am claiming for it now—that those people coming over to this country should have the rights this Government gave them, subject to the laws not only of the United States, but of each and every individual State in which they might come to remain.

Furthermore, on that same subject and with that same idea, and following out the rule laid down by the Supreme Court of



the United States for construing treaties, I call attention to this portion of the Japanese treaty:

It is, however, understood that the stipulations contained in this and the preceding article—

That is what I have read—those two articles—

contained in this and the preceding article do not in any way affect the laws, ordinances, and regulations with regard to trade, the immigration of laborers, police, and public security which are in force or which may hereafter be enacted in either of the two countries.

There is no such provision in the treaty with China. I do not know that such a provision is in a treaty with any other nation with which we have a treaty. It was not in the Chinese treaty at all. It was put into the Japanese treaty immediately following, as I said, the troubles we had had in construing the Chinese treaty, and it therefore meant what it said—that those people coming here shall take their rights subject to existing law, and all the laws. It was not necessary to put that in the treaty to give the Congress a right to pass an act changing the terms of the treaty by limiting the coming of Japanese here.

It was not necessary to put any provisions of that kind in there, because the Congress has that right anyhow without any provision in the treaty. But when they refer here to "laws, ordinances, and regulations" they cover the whole ground, and this whole contention that is set up here of rights in the Japanese residents of San Francisco, which are superior to the State's rights and can be asserted as against that school board carrying out the State law, is all sham. It has nothing to rest upon, and this Government might decline to go into any discussion with the Japanese representative upon the subject at all if it chose to do so.

But, Mr. President, that would not be a courteous way to treat a friendly nation. That is why I have introduced this resolution. Japan is a friendly nation, and we are upon terms of intimate friendship with her. Her people seem to have got an exaggerated and to my mind a mistaken notion about this treaty; but inasmuch as they have that notion I propose this action. I assume that they honestly entertain this notion. I give credit to every man for the same honesty of purpose that I claim for myself. When they say that they understood by this treaty or that they now understand by the terms of it that these common school privileges were guaranteed them, and that is why they entered into the treaty, I say it is a proper thing for this Government, in a spirit of amity and friendliness to that nation, which has always been friendly with us, to take up the matter and discuss it, as I have provided in this resolution, and not pass any act here without such a discussion.

It is important, moreover, that this treaty be modified in another respect entirely separate from, though closely connected with, the underlying causes which led up to and brought about the present misunderstanding. So long as the unrestricted immigration of Japanese laborers is permitted to continue there will be a constant and growing feeling of dissatisfaction on the Pacific coast which eventually will bring about and must bring about a restriction of that immigration. And because I believe that such result must follow sooner or later, and soon at the latest, I think it should be accomplished now.

Some of us on the Pacific coast more familiar perhaps with the situation than those who seek to censure and instruct us, because more closely in touch with the industrial interests directly affected by the unrestricted immigration of Japanese laborers, have felt for a long time that remedial action of some sort was necessary to prevent what we believe to be a threatened peril, not only to the Pacific coast but to every industry and enterprise in the United States. We are not new in this business out there on the Pacific coast. We don't know many things, but we know some things—some things we feel rather than learn—some things that are taught us in the schools and some things that are written upon our hearts and graven upon our memories in the hardest of all schools—the school of bitter experience. It was in that school that we learned—learned so well that while life lasts we can never forget it—that the unrestricted immigration of Asiatic laborers to this country is a curse, an incentive to disorder, and a menace to the welfare and happiness and prosperity of the laboring man of America.

We had a treaty once with China—a treaty which permitted Chinese laborers to come to this country, and there was no restriction on their coming, and what was the result? They came by the thousand. They entered every avenue of labor, doing woman's work as well as man's work, although there came no women, or very few, among them. They worked cheaper than our people because they could live cheaper, and the white laborer had to cut the price of his wage to meet the competition, and he kept on cutting, and still the Chinaman cut under him, and finally it came to pass that he could cut no more and live, and then came the end. Some of the means adopted to bring about that end were perhaps questionable—might perhaps not measure

up to the standard set by the sentimental, altruistic, amateur political economists who prattle about the brotherhood of man—might not perhaps meet the approval of the present Administration. But to those who understood the situation the revolt of labor against this ruinous and degrading competition was justifiable—not only justifiable but commendable—and the Chinese-exclusion act, which followed as a result of it, has always been regarded by our people as the best piece of legislation that was ever enacted for the Pacific coast and for the nation indirectly.

It might seem at first blush that the coming of laborers—unskilled laborers—was a question that affected only the unskilled labor of our people, and that skilled labor and capital invested was not affected. But no greater mistake could be made. That is the most stupid idea that ever found lodgment in the brain of a sane man. All productive industry is based upon labor. Labor—unskilled labor—is the great creative force that sets in motion the wheels of productive energy throughout the world. We need financiers to manage our banks and financial institutions, but there would be no banks or financial institutions were it not for the laborer, who goes down into the bowels of the earth to dig out with his pick the gold upon which their circulation is based.

We are proud of our great railroad systems, and point with pride to our 220,000 miles of railroads fully equipped and in operation, but there would be no railroads here or anywhere were it not for the man whose toil in the iron mines dug out the raw material, to be fashioned later on into steel rails and equipment, or the toil of that other man whose labor in the coal fields produced the fuel to aid in the fashioning. And so through every avenue where capital is invested or enterprise reaps a profit. And that legislation which relieves labor of unnecessary burdens, and better the conditions and broadens the opportunities of the laboring man, is the very legislation which encourages investment and insures a profit to invested capital. The interests of labor and capital are interdependent, and as the years have gone by, and experience has taught us wisdom, more and more have we learned and come to understand that there can be no advancement, no growth, no real prosperity in this country except by ennobling labor and securing to those who toil a fair share of the profits and advantages their toil has helped produce. It was always conceded that the laborer was worthy of his hire, and the only question that has ever occupied the attention of political economists on this subject is: What shall his "hire" be understood to mean, and how shall it be measured.

Modern thought, modern progress, and modern civilization have said that in fixing that "hire" we must consider not only the labor of the toiler but also the wealth his toil has created. So that it has come to pass that we are elevating the conditions of the laboring man in this country, and there is still greater elevation and improvement of conditions in store for him. His wages have been increased, his hours of labor have been shortened, "pace making" has been stopped to a great extent, and will be entirely, and a limit be put upon the amount of work he shall be compelled to turn out in a day to earn a day's wages. And the result of all this is that he is happier and more contented and prosperous, and the employer gets better work and better results and greater profits and greater wealth than has ever been known in the history of the world.

And now we are confronted with a condition here which will reverse or tend to reverse all this. The American laborer can not compete with the Chinese or Japanese cooly and it is not right to ask him to try to do so.

I will not speak of the habits of these coolies, their morals or their social life or of its influence, except to say that experience has taught us that outside the question of wage competition and beyond it there are objections to their presence among us—objections that are unanswerable.

And let not the skilled laborer delude himself that he will be exempt from the evil results which will follow the coming of these Japanese laborers. He will not escape here no more than he has in Hawaii. The Japanese learn quickly, and the same competition that will force unskilled labor out of employment will in the end perform the same office for skilled labor and for the small dealer and the shopkeeper and the small farmer just as it has done in the Hawaiian Islands.

But it has been said, and I have seen it repeatedly stated in the newspapers, that Japan does not want her people to come here, and that they will not come in any large numbers and do not want to come themselves. Very well then—so much the better. Japan can not take offense, and surely will not if we provide a means in this treaty by which her desire can be accomplished and a possibility of failure in that respect be eliminated. But while this statement has been repeatedly published, as I have said, and doubtless in good faith, yet I question the

accuracy of the information possessed by those who tell us so. The people of California claim, and I think upon data which can not be contradicted, that Japanese coolies are coming into the port of San Francisco at the rate of 1,000 a month. That is a pretty large immigration, and it has practically only begun, and I have not noted any effort on the part of Japan to stop it. I think that no sane man doubts that it will increase, and increase rapidly, so that in ten years from now the Pacific coast will be overrun by these Japanese coolies and the white laborer practically run out. In forecasting this result, or any result, to arise from the continuance of the present treaty, two things must be considered—the difference in the wage scale of Japan and the United States, and the population, with reference to geographical area and the proportion of the coolie population to the balance of the population of Japan.

Mr. BEVERIDGE. Would it interrupt the Senator if I should ask him a question for information?

Mr. GEARIN. No; certainly not.

Mr. BEVERIDGE. I was listening very closely, but I was not quite sure whether the Senator said he has information which shows that Japanese coolies are coming into San Francisco at the rate of 1,000 a month.

Mr. GEARIN. No; the Senator misunderstood me. I did not say that. I said the people of California, as I understand it, claim that that is true. I have no information myself upon the subject except what is contained in public reports and in the newspapers.

Mr. BEVERIDGE. It would have been, of course, very important, if the Senator had such information as that, and I rose to make the inquiry as to whether it was merely the repetition of a rumor or whether the Senator had any evidence on the subject.

Mr. GEARIN. It is merely the repetition of newspaper rumor, and I think it is correct. The Senators from California may probably know more about it than I, but I take it for granted that it is correct.

Mr. BEVERIDGE. That it is correct?

Mr. GEARIN. Yes; I think so.

Mr. BEVERIDGE. Has the Senator any basis for that estimate except newspaper reports?

Mr. GEARIN. No; I have not. I have no official figures on the subject. I do not know what the official figures will show, if there are any obtainable, but I say it is reported that the Japanese are coming in at the rate of a thousand a month.

Mr. BEVERIDGE. That would amount to 12,000 a year, so that in the ten years the Senator spoke of 120,000 would come in.

Mr. GEARIN. Yes; if only that proportion kept up, and I think it would increase and largely increase.

Now, I was proceeding to consider the difference in the wage scale between the United States and Japan, and the difference in population with reference to geographical area. The total area of Japan proper is 147,565 square miles, or, including Formosa and the Pescadores, 161,160 square miles—less than one-half the area of Oregon, Washington, and California, the three Pacific Coast States, and only 2,800 square miles more than California alone.

Upon this limited territory there is a population of over 46,000,000 of people—more than half the population of the United States—and of that number over 95 per cent of the entire population belong to the class designated in the reports to which I have had access as the common people (Heimin). I found it impossible to determine from available statistics how many of these could be classed as coolies proper. And I submit here, and ask that the same be made a part of my remarks, some tables prepared for me by the Department of Commerce and Labor:

*Memorandum of information relating to Japan.*

The total registered population of Japan proper on December 31, 1903, as reported in *État de la Population de l'Empire du Japon*, 31 Décembre, 1903, was 46,732,138. (It was 49,584,599 including Formosa and the Pescadores.)

The total area of Japan proper, as reported in *Résumé Statistique de l'Empire du Japon*, 20<sup>e</sup> Année, is 24,794.36 square ri (147,656.63 square miles). Including Formosa and the Pescadores, it is 27,061.93 square ri (161,160.57 square miles).

The only distinction of class that is made in the Japanese census report is that of Nobles (Kwazoku), Samurai, or ancient warriors (Shizoku), and the plain people (Heimin). The number and proportion of these in Japan proper on December 31, 1903, were as follows:

	Number.	Per cent.
Nobles.....	5,055	0.01
Samurai.....	2,168,058	4.64
Others.....	41,559,025	95.35
Total.....	46,732,138	100.00

The following table shows the wages of working people in Japan, by occupations, in 1903:

*Wages in Japan in 1903.*

[Source: *Résumé Statistique de l'Empire du Japon* 20<sup>e</sup> Année, p. 39.]

Occupation.	Wages per day. <sup>a</sup>	
	Yen.	Dollars.
Carpenters.....	0.59	0.29
Plasterers.....	.61	.30
Stonecutters.....	.68	.34
Sawyers.....	.58	.29
Roofers, shingle, thatch, etc.....	.57	.28
Roofers, tile.....	.65	.32
Bricklayers.....	.74	.37
Brickmakers.....	.52	.26
Mat makers.....	.51	.25
Screen, door, and shutter makers.....	.56	.28
Paper hangers.....	.56	.28
Joiners.....	.54	.27
Coopers.....	.47	.23
Sabot makers.....	.42	.21
Shoemakers.....	.54	.27
Saddlers, horse-collar makers, etc.....	.60	.30
Cart and wheel wrights.....	.49	.24
Tailors, Japanese garments.....	.47	.23
Tailors, European garments.....	.57	.28
Makers of pouches, purses, etc.....	.53	.26
Dyers.....	.33	.16
Scutebers, cotton.....	.40	.20
Blacksmiths.....	.52	.26
Jewelers, etc.....	.50	.25
Metallic utensil makers.....	.53	.26
Pottery workers.....	.42	.21
Makers of lacquered objects.....	.48	.24
Oil pressers.....	.41	.20
Paper makers.....	.34	.17
Tobacco cutters.....	.53	.26
Compositors.....	.41	.20
Pressmen.....	.36	.18
Ship carpenters.....	.61	.30
Gardeners.....	.55	.27
Agricultural laborers, male.....	.31	.15
Agricultural laborers, female.....	.19	.09
Spinners, silk.....	.20	.10
Weavers, male.....	.34	.17
Weavers, female.....	.19	.09
Confectioners.....	.36	.18
Fishermen.....	.13	.06
Sake makers <sup>b</sup> .....	9.30	4.63
Soy makers <sup>b</sup> .....	7.10	3.54
Servants, male <sup>b</sup> .....	2.97	1.48
Servants, female <sup>b</sup> .....	1.70	.85
Agricultural workers, male <sup>c</sup> .....	37.98	18.91
Agricultural workers, female <sup>c</sup> .....	20.13	10.02
Silkworm cultivators, male.....	.32	.16
Silkworm cultivators, female.....	.19	.09
Day laborers.....	.40	.20
Lacquer juice extractors.....	.38	.19
Rice pounders.....	.34	.17

<sup>a</sup> These are the average wages paid in a number of localities in each district in March, June, September, and December.

<sup>b</sup> Per month.  
<sup>c</sup> Per year.

These figures represent conditions December 1, 1903. At that time, as shown by these tables, of the total population of 46,732,138 there were 5,055 "Nobles," 2,168,058 of the class designated Samurai, and 44,559,025 are designated as the common people—largely, I assume, the laboring class.

The wage scale, taken at its very highest, is about 22.7 cents per day. I arrive at this by averaging the 46 occupations in the list furnished me.

In Bulletin No. 65, of the Bureau of Labor, is given the average wages paid to certain selected occupations in the United States in 1904 and 1905 in certain cities. I have selected San Francisco and have compared the wages paid in San Francisco with those paid in Japan in the following trades: Carpenters, plasterers, stonecutters, bricklayers, blacksmiths, coopers, and compositors with the following results:

	Japan, per day.	San Francisco.	
		Per hour.	Per day.
Carpenters.....	\$0.29	\$0.50	\$4.00
Plasterers.....	.30	.75	6.00
Stonecutters.....	.34	.6625	4.48
Bricklayers.....	.37	.75	6.00
Blacksmiths.....	.26	.4035	3.20
Coopers.....	.23	.4388	3.24
Compositors.....	.20	.4221	3.36

I have estimated here a day's labor to mean eight hours.

Now, in view of these conditions—that immense population confined to such a small territorial area, and such an overwhelming per cent of that population being laborers whose daily wage is 22.7 cents per day—can any man doubt that those laborers will come to this country where they can earn twice, three times, four times, five times that much the day they land. Japan has felt the evil effects of a congested population, and is



endeavoring, and for some time has been endeavoring, to find a place for its overflow. Korea and Manchuria are the two places where colonizing has been openly carried on. But the Japanese laborer will come here in preference because he can do better here. Labor is a commodity in the world's market, and will go like all other commodities where it can command the highest price, and we pay our laborers higher wages than are paid by any other country in the world.

Japan can send from one to five million of her people into the United States and never miss them. Suppose that should be done—and there is no reason why it should not be done—what then would be the condition of the American laborer? He would have to compete with those coolies or go without employment; and he would go without employment, because he could not compete with them. And the result would follow that there would be an army of unemployed white laborers with no possible way of earning a livelihood or supporting their families and forced out of employment by this coolie competition. What would we do with them? What would this country do with them or for them? What could it do? And this is no fancy picture—no dream impossible of realization. It is a description of a condition that may come to pass, and in all likelihood will come to pass if this treaty is not modified as suggested in this resolution. We should not invite this immigration. We should no longer leave open the gates by which and through which it may enter. But on the contrary in the interest of our people, our institutions, and our Government we should stop it now and forever. It is idle to say that this would be an affront to Japan—a friendly nation. It is not an affront. It is an act in my judgment of the wisest statesmanship in the interests of our own. We have a right to protect ourselves, and we must protect ourselves or go to the wall in the world's competition.

This is our country—for ourselves and our children—and we must protect it. We do not object to European immigration—we want it and welcome it when it comes. It is the stock from which we came, and the blood of the American citizen of to-day is the blood of the nations of Europe—the blood of the races that spread enlightenment and civilization throughout the earth and made a republic a possibility. We take our arts and our sciences, our laws and our institutions, our civilization and our religion from the white races who have preceded us in the world's history.

The history of the Christian world is the history of the white races, and it is our history. Though we are a new nation, and in one sense a new people, yet we are not new, and if to-day we stand as the representative in the farthest west of the best and fairest form of government the world has ever known, we can trace the growth of the evolution of the principles of that government through all the centuries of the past, from the time man first learned self-discipline and submission to authority down to the present day. Out of the trials of the past has come the intellectual greatness of the present. And all the changes in all the centuries have added little by little to the great potential intellectual force ministering to the civilized mind of to-day, in which inherited self-control, enlightened as to its duties and strengthened as to its powers, has at last fitted it to govern itself and to govern others, because it has learned first to govern itself. The white race will control and dominate the earth, not only because of its victories on the battlefield, but because of the training, mental and spiritual, that it has undergone through all the trials and sacrifices of all the peoples who have preceded us along the pathway of time. And it is because of that training and as a result of it that the white man is fitted for the duties and responsibilities of American citizenship.

Mr. PERKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Oregon yield to the Senator from California?

Mr. GEARIN. With pleasure.

Mr. PERKINS. With the permission of the Senator from Oregon, I should like to say in verification of his figures contained in the statement in reference to the number of Japanese immigrants to this country during the past year, that I have telephoned to the Commissioner of Immigration, and he reports 14,243 immigrants as the total for the period of twelve months ending June 30, 1906. His report verifies the statement just made by the Senator from Oregon.

Mr. GEARIN. I thank the Senator from California, Mr. President. I stated at the time that my figures were from newspaper reports; that I had no data, but the figures just given by the Senator are official, and, as he says, confirm my statement.

Asia has had a civilization it is true, but it has never been our civilization. The yellow race of Asia has never mixed with the white race of Europe. Neither can the yellow man

and the white man mix in America. There is something about these race antagonisms that perhaps we do not understand—perhaps it is not necessary that we should understand. The fact that they exist and have never been overcome is sufficient. And I say this without the slightest intention of reflecting upon the Japanese people. I do not say that they are inferior to us—they are different, that is all; and the difference is so striking—such a radical difference—that the two peoples can never become one people or become amalgamated at all.

The Asiatic and the American do not intermarry—will never intermarry except in rare instances. We can never absorb them or take them into our social life.

Mr. President, this nation is not without experience in the matter of trying to absorb into its social and political life a non-assimilating race. There was a time in the first years of our national existence—yes, before that even—when we were colonies, it occurred to some people that the introduction of slave labor would be a good thing, because it was cheap labor. And the slave ships came loaded with their human freight until many, many thousands of slaves were brought over, and they went mostly to the South and stayed there. And they increased in number so that when the war broke out in 1861 there were about four millions of them. And they were slaves still. And then we set them free.

When the war was over these four millions of colored men were made citizens, and the South, taking up the raveled threads of its commercial and industrial affairs, faced a problem that we on the Pacific coast will have to face if this immigration continues. That was forty years ago, and the problem is still unsolved. There are about ten millions of negroes now in the Southern States—in many localities they far outnumber the whites. The two races have never mixed and never will mix. There is and always will be a sharp line of cleavage between them and the irreconcilable conflict between these two peoples to-day in that fair and sunny land of so much promise is the hideous nightmare of social and political alignment, and the despair of the law-abiding people who have to grapple with it. It was the folly—the insane criminal folly of those who thought cheap labor, however obtained, a blessing—that brought these colored people here, and where is the man now bold enough to say that it has been a blessing?

There is trouble down there where the magnolias blossom—in that sunny South of song and story—and there will be greater trouble, I fear, before a solution of the problem is had. And we of the West sympathize with the South in the crisis through which she is passing; and we say to our brothers there, "It is your trouble, and we would help you if we could, but we can't. You understand the situation—deal with it as best you can in the interests of humanity, good government, and righteousness, and in fairness to all and it shall be 'hands off' as far as we are concerned, and we will trust to your honor, your loyalty, and your patriotism to deal with it justly. But we say to you, at the same time, in God's name do not aid by your advice nor assist by your endeavors the plans of those whose efforts, if successfully carried out, will bring down upon us a condition which will be worse, far worse, in the end—than the troubles which now beset you."

Following the parallel down further, we find that in 1844 we entered into our first treaty with China. In 1858 there was another one which was proclaimed after ratification by both parties January 26, 1860, and a tariff treaty concluded November 8, 1858, and ratifications exchanged August 15, 1859.

After this treaty of 1858 was entered into, and while we were living under it, certain well-meaning people conceived the idea that the Chinaman was a man and a brother, and as all men were created equal, we should bring him over here and take him into the family circle and make a good Christian of him, and they kept promulgating this doctrine, and soon they got everybody in favor of it. There were three active influences at work that brought about this result. First, the religious element. The Chinaman had a soul, and they wanted to save it. Second, the commercial element—the exporter of goods and products and merchandise. The Chinaman had money and he wanted it. And lastly, the profound political economist—the theorist, the visionary—the fellow who invariably figures out a result which always ought to follow, but never does. That fellow wanted the Chinaman, too. He wanted him because he would work cheap, and he believed in cheap labor. What we wanted, he said, was cheap labor and more of it, and then we would produce things cheaply and sell them dear, and soon we would have all the money, and if the millennium was not actually in sight it was just around the corner. Which one of these forces was the most potent in bringing about the result I do not know, but anyhow, on July 28, 1868, we concluded a new treaty with China which treaty was known as the Burlingame treaty, and was



duly ratified and proclaimed February 5, 1870, and contained for the first time a provision allowing unrestricted immigration of Chinese to this country.

Every argument used in favor of Japanese immigration now was used then in favor of Chinese immigration and with just as much reason. I need not go over the results that followed the execution of that treaty. The treaty was in force but a very short time—just long enough to open the eyes of our people to the great mistake they had made—when agitation for the repeal of the immigration clause was started, and finally the further coming of Chinese coolies was forbidden. It had to be forbidden. The presence of Chinese laborers became such a source of irritation to our people, so productive of riots and disorder, so disastrous an experiment, and so ruinous in its effects upon white labor and the opportunities of white laborers that all political parties united in demanding that their coming should be stopped, and it was stopped. And now we are repeating in our relations with Japan the same costly experience that proved such a disastrous failure under the Burlingame treaty. It is said that no age ever understands the meaning of its own time, and it would seem that it must be so. With the experience our people had just passed through, struggling with the problem of Chinese immigration it is difficult to understand why they entered in this Japan treaty containing its immigration clause at all. Those in authority at that time did not understand the situation—didn't understand the meaning of their own time.

It would seem, Mr President, that a mere statement of the results of these two experiments in the line of introducing cheap labor to compete with our own laborers would be argument sufficient to prevent our trying a third experiment. We do not want cheap cooly labor here—Chinese or Japanese. We do not want to cheapen labor at all. Our system of government is different from that of China and Japan. In those countries the laborer is a mere machine to be used until he is worn out and of value only to the extent of his productive capacity. He has always been so and he will be so always. He has no part in directing governmental affairs, no part in making the laws under which he is forced to live, and no status whatever, except as a productive machine. He has been so for centuries, and he has inherited ideas of servitude and vassalage totally at variance with the ideas of responsibility and authority and dignity entertained by the American laborer. Here we have no classes, no nobles, no Samurai—we are all plain people. Our laborers are a part of the Government—they are the Government. Each one has a vote, each one has a voice in the shaping of the legislation which affects him, and each one feels in his heart that upon his shoulders and upon his loyalty and manhood rest in a measure the prosperity of the country and the honor and the glory of the nation.

The American laborer is not merely a productive machine. He is far more than that. He is an equal in our social life—a factor in our political life—a potential force entering into the fullness of our national life and broadening its possibilities. He is not a destroyer of wealth, he is a creator of wealth, and it is our duty—the duty of good government—to provide by law such instrumentalities as will secure for him a fair share of the wealth his labor has helped produce. The true principle—the only principle which should govern us—is not how little can we get him to work for by introducing cheap labor competition, but rather how much can we pay him to make him happy and at the same time insure to his employer a reasonable profit and no more, upon the capital invested. This is a truism I know, but it is a truism the statement of which meets with violent opposition at times from people who ought to know better. It is time that capital listened to it anyhow. If capital refuses to hear it now from the lips of its friends it will hear it later from the lips of those who are not its friends. We hear a great deal at times about the protection of American labor—about every four years the spellbinders go out and tell the dear people how the Government is protecting American labor. The consumers in this country are submitting to the highest tariff that was ever known in the history of the world, and submitting cheerfully, because they have been told that it is for the protection of American labor.

The American laborer himself pays a large part of the duty imposed by that tariff, and pays it cheerfully because he believes that it raises his wages and protects him from what at election time is designated as "the pauper labor of Europe." And this is how the thing works out. We put such an import duty on foreign goods that it is in many instances practically prohibitory and of course raises the price of the home product. Having done this and raised the price, the workman has to pay for everything he eats and drinks or wears, whether of home production or European importation, we introduce cheap cooly labor from Asia to cut the price of his wage and take his job

away from him. And this is called a "square deal" for the protection of American labor. It is one of the fallacies of the age, and the mystery of it all is that the American laborer has believed in it and been misled by it so long. I believe in the protection of American labor against the pauper labor of the world, and I believe the best way to secure that end is to keep the pauper labor of the world out of American factories and farms and workshops—out of every field of productive industry upon American soil where American labor is employed or American homes are dependent upon the fruits of that labor.

There is another view of the situation to which I wish to attract attention, and it is a matter of importance and not to be overlooked. While Japan is a great nation and well deserves all the complimentary things the President has thought proper to say about her in his message, yet China is a great nation also. If Japan has a "glorious and ancient past," so has China. If Japan has a civilization "older than that of the nations of modern Europe," so, too, has China. The two nations stand equal before us in every respect and we are on equally friendly terms with each of them. How long shall we remain so if we do not treat them with equal consideration. We exclude Chinese laborers because we found by experience that their coming here was no longer desirable, and we represented to the Government of China that it was our first duty to protect our own laboring people, and that the importation of Chinese cooly labor so affected the happiness and well-being of our laboring classes that we could not allow it to continue. And, China, recognizing the force of that argument, consented to the new arrangement and was satisfied—satisfied because Chinese statesmen saw at once that the reasons given by us were good reasons and our position could not be assailed. And the friendly relations between the two countries continued and were not in the least disturbed. But within the last year serious complaint has been made by the Chinese people to our treatment of China as a nation. And can any fair-minded man say that the complaint has no foundation to rest upon? China says to us now and has a right to say:

You excluded our laborers—you gave as a reason that you could not permit cooly labor to compete with American labor, because such competition threatened disaster to the American laboring classes; we recognized the justness of your position and were satisfied. But now you admit Japanese coolies who are no better than our coolies. Why do you do so?

How are we going to answer the question? We are not going to answer it. We can not answer it. Either we are treating China unfairly in excluding Chinese coolies, or we are treating our own people unfairly in admitting Japanese coolies. And in this connection I would commend the essay on "Industrial morality," found on the thirty-fourth page of the message, to its distinguished author for reperusal and careful examination.

There is not one single objection that was ever urged against the Chinese laborer that does not apply with equal force against the Japanese laborer. Why then the discrimination? We can not continue to treat these two friendly nations in this manner. Either we will be compelled to stop the coming of Japanese laborers, or we will be compelled to again admit Chinese laborers.

There is no middle course. And the objections to again admitting Chinese can not be put better than it was put by the President himself in his message to Congress, December 5, 1905, and I wish to read it and put it opposite to what he says now about the Japanese. These coolies are all alike. If there is any difference between these two people, it is not in favor of the Japanese. This is what the President said in 1905, speaking of the Chinese:

The questions arising in connection with Chinese immigration stand by themselves. The conditions in China are such that the entire Chinese cooly class, that is, the class of Chinese laborers, skilled and unskilled, legitimately come under the head of undesirable immigrants to this country, because of their numbers, the low wages for which they work, and their low standard of living. Not only is it to the interest of this country to keep them out, but the Chinese authorities do not desire that they should be admitted.

That is just what Japan is saying now, but the Chinese came all the same, and they kept on coming, and China did not try to stop them, and Japan is not trying to stop the Japanese.

At present their [Chinese] entrance is prohibited by laws amply adequate to accomplish this purpose. These laws have been, are being, and will be, thoroughly enforced. The violations of them are so few in number as to be infinitesimal and can be entirely disregarded. There is no serious proposal to alter the immigration law as regards the Chinese laborer, skilled or unskilled, and there is no excuse for any man feeling or affecting to feel the slightest alarm on the subject.

Now, sir, that was the President's view in regard to Chinese immigration in 1905, and it applies now exactly to Japanese immigration in 1907. Every reason urged to exclude the Chinese can be applied with equal force to the Japanese. I wish to quote something here. In 1870, as I say, we entered into the treaty with China providing for the unrestricted immigration of Chinese labor. This country rejoiced at that time, and all over



the country there was rejoicing over the treaty that we had entered into, and great things were expected to result from it. But here and there was one who saw clearer into the future and understood better than his fellows, and one of those who at that time saw into the future and saw what would happen in case this treaty was entered into, was the distinguished junior Senator from Maryland [Mr. WHYTE]. In an address delivered at the Maryland Institute October, 1870, of which he has kindly furnished me the manuscript copy—as it has never been published—there is a prophecy uttered by him at the time when the whole world was rejoicing over the treaty and thinking what a great thing we had accomplished. The Senator from Maryland [Mr. WHYTE] saw further into the future and with clearer eyes the trouble that was in store for this country, and he said:

Do not fear that I shall violate the political neutrality in what I am about to observe on this occasion. This is no party question.

It is no party question now.

This is no party question. It is higher and greater than any question or policy which divides the parties. It involves the fate of the mechanic and workman of all parties. It makes an assault upon the energy and industry of our land and strikes a blow at our religious institutions.

The address goes on further on the same line and I regret that my time does not permit reading it all. The Senator from Maryland foresaw, back in 1870, just when the Burlingame treaty took effect, the evil results that would follow from entering into that treaty with China, and there are those now who see far enough ahead—the people upon the Pacific coast who have had the actual experience, which the Senator from Maryland at that time did not have—to see that ruin and desolation will follow in the track of this policy if it is pursued.

There is a report, Mr. President, which bears out what I have been saying here, which justifies every word of it, and justifies the belief I entertain that if this immigration is allowed to continue there will be such a condition upon the Pacific coast as will bring trouble to our country and to our people.

Dr. Charles P. Neill, who is Commissioner of Labor, and a man better qualified than any other man in the United States that I know of to make an examination of labor conditions and problems and to report concerning them, was sent out to make an examination of conditions in Hawaii, and he sent to the Department his report in 1906, which is Document No. 66. That report, Mr. President, is a note of warning to the American people. There are things in that report which might well make us pause and consider where we are drifting if we continue in the course that has been mapped out for us and that we are following now.

It appears that while those islands are nominally ours and under our Government, yet in 1900 74.52 per cent of the adult population was Chinese and Japanese, and the per cent is greater now. They have taken the islands away from us. We provide for their government; we have the nominal ownership and control; but the Japanese and the Chinese practically own those islands and will own them more than they do now, because they are increasing. They are growing every day, and the white people are being run out of there. If the Senate will pardon me, I will make a few citations from this report. This is the condition that Doctor Neill found:

The first effect of the incoming of the Asiatics was the taking over of unskilled labor of every sort, but the competition has now extended until it has become active in nearly every line of trade and in nearly all the skilled occupations. Most of the competition in the skilled trades comes from the Japanese, and it is insisted everywhere throughout the islands that this competition is growing rapidly, and that the number of Japanese in skilled trades is larger now than it was in 1900.

The clothing trades are almost entirely in the hands of Asiatics. A few white tailors are engaged in business in Honolulu, and there are several white tailoring firms in the town of Hilo, but all of these, with the exception of one firm, are reported to employ Chinese or Japanese workmen. There are practically no white wage-earners engaged in making men's garments or boots and shoes, although a few whites find employment independently in repairing and cobbling. The preparation of food and drink affords employment to a number of workers, who are mostly Asiatic. The Chinese take naturally to culinary vocations, often graduating from domestic service into the systematic manufacture of food products. Most of the bakeries, confectionery shops, and hotels and restaurants employ Chinese help, or, as a second choice, Japanese. Practically all domestic servants are Asiatic.

On account of the restricted field of employment, plumbing and tinning are usually carried on in conjunction as a single trade. The Japanese have for some time been steadily invading this field. They are now strong competitors in the plumbing trade, and in some places they have practically monopolized the work of making tinware for sale at plantation stores and elsewhere among the working people. This latter has been a profitable field of industry for the whites, but they are being driven from it rapidly.

The building trades have also been invaded aggressively by Asiatic workmen. The effect of Asiatic competition in this field has attracted particular attention on account of the fact that white mechanics in the various building lines have been steadily giving up the field in Hawaii and forming a procession back to the coast. When the Territory was

annexed a decided building boom occurred at Honolulu, accompanied by a considerable influx of mechanics from the Pacific coast. It took only a few seasons, however, to supply the city with about all the business structures it was likely to need for a number of years to come. The construction of cottages and small residences has continued since that time, but this is a field of work where the Asiatics compete most successfully with white workers, and in which they are gaining control. As a result of failing employment large numbers of workmen have left the islands and returned to California, and the population of white mechanics has fallen off considerably. Part of this movement undoubtedly represents merely a reaction from the abnormal condition produced by the excitement attending annexation. But the fact remains that building is still going on in the Territory to a considerable extent, and that Asiatic workmen are successfully competing for the work with white mechanics. The procession of unemployed back to the coast, therefore, represents to some extent the displacement of whites by Asiatics. Not only are they successful competitors in the construction of cottages and small residences, but they are making their competition strongly felt on a larger and more important building work. A white contractor in the islands, who used white and native labor only, reported that he had not had a contract of any importance for nearly a year and a half because he had been ruinously underbid either by Japanese contractors or by white contractors using Asiatic labor exclusively.

The only urban occupations not subject to Asiatic competition are the English printing trades and some forms of employment in machinery and metal working. Some forms of furniture are made in Asiatic shops in Honolulu, and Asiatics compete with whites in carriage making and repairing, wheelwright work, and in millwork and joinery. In the passenger carrying or hack business, both in Honolulu and throughout the islands, the Japanese are rapidly gaining complete control. Oriental blacksmiths and horseshoers have shops in Honolulu, and the Japanese compete with boiler makers in making the large tanks used as receivers for the fuel oil now employed for steam making in the islands. Although the language difficulty as yet forms an insurmountable obstacle to the employment of Asiatics in English printing offices, there are several Japanese and Chinese newspaper and job printing establishments in the Territory, catering chiefly to the needs of the Oriental population, that occasionally do English work. The manufacture of sugar-mill machinery, skilled electrical work, brewing, and a fraction of the building trades, where the most highly skilled workmen are employed, are the main branches of industry not invaded by Asiatic working people.

The competition between Asiatics and white and native workmen has been felt in some degree ever since the Asiatics first began to come into the islands, but not only is this competition now felt through all grades of labor, but it has also spread out into commercial lines. White merchants are now complaining of the effect of oriental competition as vigorously as are the white mechanics and white laborers. In the end the competition will be more disastrous to the merchant than to the mechanic. The mechanic can gather up his tools—his working capital—and return to the mainland, suffering, it is true, from the time lost and from the fact of having practically to start anew where once he may have had a patronage established, and embittered by the feeling that in an American territory there was no room for him, an American citizen, on account of the economic dominance of aliens. But the white merchant can not so easily withdraw from trade without such a sacrifice of his stock as may represent ruin to his small fortune. Many small merchants are now feeling the effects both of the depression and of encroaching Asiatic competition, and are doggedly carrying on a struggle which they believe to be hopeless, but still unable to bring themselves to the point of sacrificing their stock and withdrawing from business. A number of merchants were interviewed, outside of Honolulu, who felt that they had held on too long already and had allowed to pass the favorable moment for retirement.

The Honolulu Merchants' Association, in a recent correspondence with the Planters' Association, thus expressed their views upon the immigration and competition of Asiatics:

"This country has been inundated with an influx of Asiatic population that threatens to undermine its political security, so far as the ascendancy and control of the white race is concerned. For the purpose of obtaining cheap labor there have been introduced here twice as many Asiatic laborers as have been necessary for working the plantations, and this has resulted disastrously to all but immediate sugar interests. The surplus labor, which numbers in the neighborhood of 50,000, is engaged in professional, mechanical, and mercantile pursuits that in a Territory of the United States or in any country legitimately belongs to its citizens."

The predominance of Asiatics in the population of Hawaii has thus come to be regarded not only as a peril to immediate trade interests, through the competition already existing, but as creating a grave menace to business security for the future.

It is not easy to give an adequate idea of the resentment and the bitterness felt by the white mechanic and the white merchant who see themselves being steadily forced to the wall, and even driven out of the Territory, by Asiatic competition. They feel that they are being defeated in the struggle, not because of superior mechanical skill or superior business instinct on the part of their successful competitors, but because of a lower standard of living, in the face of which they are helpless. They feel, furthermore, that the white citizen who goes into new American territory to cast his lot with a new community and to join in its upbuilding on American lines is entitled, if not to favored treatment, at least to protection against the kind of competition that the Asiatic alien represents.

The most recent developments in this line seem to indicate that the Asiatics are going into agriculture on a still larger scale. Since the report for 1902 was written, a Japanese cultivation company of some 55 members has taken a five-year contract to raise all the cane upon one of the smaller plantations. They thus gain control of all field operations, including administration, subject to the general supervision of the plantation manager. If this system should extend—and it has proved more profitable than the old in the case in question—the control of cane growing would be as fully in their hands as is coffee raising. In a Japanese paper published in Honolulu, under date of January 8 of the present year (1906), it is reported that a company has been organized in Tokyo for the purpose of leasing lands belong-



ing to one of the large plantations and cultivating cane to be sold to the mill. The company has a capital of \$250,000, and is reported to have secured 1,600 acres of land from this plantation, under a twenty-years' lease, and to have begun to clear it. The announcement continues: "The Japanese concern will furnish their own labor, build their own houses, furnish their own implements of agriculture, food, etc."

Thus, in mercantile lines, in the field of hand labor, and in small farming alike, the experience is the same. Between depression and Asiatic competition the whites are being driven out, and the Asiatics are succeeding. It is a struggle for survival, with the white element slowly and steadily losing ground.

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EFFECT OF ORIENTALIZATION OF POPULATION UPON CHARACTER OF CITIZENSHIP.

Although the Asiatics have up to the present slight control of the wealth of the Territory, and although they exercise no appreciable control through suffrage, the orientalization of the population of the islands has already proved a serious detriment to their civic interests. It makes Hawaii a place to be exploited by a working population who endeavor to maintain the lowest standard of living in order to have the largest amount of saving with which to return home at as early a date as possible. The earnings and savings of this population do not enter into the industry of the islands, do not go to the building up of homes, or in any way enter into the development of the community.

As a further consequence of this orientalization there is practically in the Territory of Hawaii nothing corresponding to that element of citizenship which forms the backbone of our commonwealths on the mainland. An agricultural community in America ordinarily represents a very large proportion of independent, self-reliant farmers. In no other part of the community is the proportion of men working for wages so small and the proportion of independent producers so large. But in Hawaii, although a preponderantly agricultural community, the citizens represent largely two classes—a small group of employers and an overwhelmingly large preponderance of wage-earners. There are no successive gradations from one economic class to another, as there is on the mainland, where the higher-paid wage-earner and the smaller employer approach each other in economic importance. In Hawaii there is a wide gap between employer and wage-earner, and it was neither an exaggeration nor a figurative expression when a Hawaiian editor spoke of the Territory as composed of feudal barons and predial serfs.

In American communities, however great may be the diversity or opposition of economic interests between employer and wage-earner, they have common social and political interests that draw them together and amalgamate them into the common body of citizens. But in Hawaii, with its oriental labor population excluded from citizenship by law and apparently indifferent to citizenship as a matter of fact, there is no common tie whatever, and the gap between employer and wage-earner is at once an economic gap, a social gap, and a political gap. There is no community of thought, nor of feeling, nor of sympathy. The character of an oriental coolie population degrades the idea of labor, as did slave labor in the South. The Asiatic laborers are looked upon with contempt by their white employers, but they in turn reciprocate thoroughly the race contempt which the white class feels for them. Even the second generation of orientals will develop a less desirable citizen class in Hawaii than would be the case on the mainland. The process of amalgamation and assimilation which might to some degree go on in a mainland community, with its American ideals and conditions fixed, settled, and dominant, and in which the population is overwhelmingly American, can not be expected in a community in which only a very small percentage of the population are even descendants of people who have known representative government and have long had traditions of free institutions.

But even if the white population of Hawaii were larger, more homogeneous, and more thoroughly imbued with American ideals and traditions, it could still exert but little influence on the Asiatics of the second generation. The two nationalities, though living side by side, are separated from one another by every possible bar. They differ in race, and their history and traditions have nothing in common. They differ widely in their experience of political institutions. They differ radically in their spiritual ideals and their religious beliefs. They differ wholly in their moral and social conventions, in their philosophy of life, and their habit of thought. They therefore live apart, each maintaining separate and distinct its conventions and ideals. The second generation of Asiatics, therefore, however much in such a community they may conform to American business customs, remain alien in thought and sympathy.

Mr. President, that report shows such a condition of things existing in Hawaii, where we have been only a short time, that we may be permitted to say that if this immigration is not stopped the same conditions will prevail upon the Pacific coast. It is no wonder, reading that report, and reading of the conditions that exist there, that our people look with dread and apprehension upon the prospect of the continued immigration of these people to our shores. We are not a lawless people on the Pacific coast. In the great western movement that peopled that country in the forties and early fifties of the last century there went out over the old emigrant trail, bearing its hardships and braving its dangers, the best stock of the South—the best stock of New England—and the rugged pioneers of the Middle West, who moved on again following the setting sun and carrying the principles of our Government and its flag with them. We are their descendants, and we possess some, at least, of their virtues and all of their loyalty.

It was a hard struggle in the early days, but they fought it out and bravely and loyally and helpfully stood by each other for the common good. And then others came and settled upon the prairies and in the valleys and built up little villages that have grown to be great cities, and community life went on and we were very happy in the pioneer days of the farthest West.

It was a white man's government we established there for a white man's country. And then again others came to us—

came by the Isthmus, some of them, came by ox team wearily over the old emigrant trail, most of them—and a tide of immigration flowed in upon us that was unparalleled in the world's history. And Territories were organized there, and States came into the Union—California first, then Oregon, and out of the Oregon Territory was created Washington and Idaho and Montana. And the spirit that brought the early pioneer nerved his hand to the work, and great wealth was accumulated there and prosperity followed in the wake of industry, and it was still a white man's country—white men working for and with white men, each profiting by the labor of the other, and all happy and contented. And then there came among us a yellow invasion. Chinese coolies, under the Burlingame treaty and subsequent treaties, came by the thousand and took the places of employment, out of which they drove white men and women; and soon they were everywhere. And the white laborer stood it as long as he could stand it, and then a storm gathered and broke over that country, and those who saw it and went through it do not want to ever see it again.

And then Congress granted the relief so long prayed for and so long denied, and the exclusion act was passed that brought prosperity again to our laboring classes, and to-day there is not on all the earth a more happy, prosperous, or contented man than the laboring man of the Pacific coast. And we ask Congress and the President now to forestall the possible recurrence of the conditions that followed the introduction of Chinese coolies.

The Japanese coolies that are here may stay, but let there be no more competition of that kind forced upon our people. And if it be said that there are commercial advantages to us under this treaty, and we will injure them by insisting upon the exclusion of Japanese laborers, I answer that I don't care. I am not unmindful of the advantages that flow from commercial intercourse with the nations. I know that trade and commerce are among the great factors that build up a nation and make it great, and that great wealth has ever followed in the wake of the white sails of commercial activity. But there is something greater than mere money—something immeasurably more desirable than the amassing of great wealth—it is the peace and good order of the community and the welfare and happiness of our people.

The President says we have much to learn from Japan. That may be true, and the "Light of Asia" may be an inspiration to some. But there are other lights I would rather see. I would rather see the light of happiness shining in the eyes of the mothers and daughters of our land; I would rather see the light that glints and shimmers over fields of ripening grain in the fertile valleys of my native State, fields owned by American home builders and cultivated by American labor; I would rather see the light that shines from furnace and forge and factory in New England and the South, owned by American capital, operated by American labor, and carried on by the genius of American enterprise. And when I say that, I am voicing the sentiment of the West; I know what my people want. I was born out there when that country was so little known as to be described as a barren wilderness even in the halls of this Senate, and I have lived there and witnessed its growth and development through all the changing years that have brought so much of success and prosperity and happiness to that empire beyond the Rockies—the fairest land, as we see it, over which the flag flies to-day. And it is because I want that prosperity and happiness to continue that I urge the action contemplated by this resolution.

What is our interest is the interest of all. This nation must grow as a whole, or decline as a whole, and you can not bring prosperity to one portion of the country without the waves of that prosperity gathering force as they move, and dashing over every portion of the land and leaving some evidence, at least, of their presence in every American home. We are a homogeneous people, connected by blood and the ties of kinship, and from Maine to Oregon, from the Gulf to the Lakes, our people are one people, differing in many things, but united in loyalty to the flag and loyalty to the Government and institutions for which that flag stands as representative and symbol. And although we of the West are far away from the Nation's capital as the longitude marks, yet we are a part of the Nation's family and sheltered by the Nation's protection.

There are voices calling to us out there—voices of cheer and good will. And we hear them as our fathers heard them on the old emigrant trail—heard them in the noonday sun or in the gathering twilight or under the stars—heard them at the sunrise—borne upon the breezes of the morning from the mountains or from the sea. And we stop at times and listen, and they speak to us of a brotherhood of American labor and American capital—a brotherhood of American genius and American enterprise—a brotherhood of American loyalty and American patriot-



ism, and it strengthens our hearts and cheers us on because we feel that we are brothers all, and that you will listen to us and sympathize with us and aid us—because of the brotherhood. [Manifestations of applause in the galleries.]

The VICE-PRESIDENT. The resolution will lie on the table.

#### EMPLOYERS' LIABILITY BILL.

During the delivery of Mr. GEARIN's speech,

The VICE-PRESIDENT. The Senator from Oregon will suspend while the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. Mr. President, I am not advised that any Senator is ready to speak upon the unfinished business today, and therefore I ask unanimous consent that it be temporarily laid aside.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside. Without objection, it is so ordered. The Senator from Oregon will proceed.

After the conclusion of Mr. GEARIN's speech,

#### DISMISSAL OF THREE COMPANIES OF TWENTY-FIFTH INFANTRY.

Mr. LODGE obtained the floor.

Mr. FORAKER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Ohio?

Mr. LODGE. I yield.

Mr. FORAKER. In view of the amendment that has been offered to my resolution and the numerous suggestions which have been made I offer as a substitute—

Mr. LODGE. I did not yield the floor to have an amendment substituted for mine.

The VICE-PRESIDENT. The Senator from Massachusetts declines to yield the floor.

Mr. FORAKER. I have not offered a substitute for anything that the Senator from Massachusetts has offered; but I thought it was due to the Senator from Massachusetts that I should state, before he entered upon his remarks, that I was willing to change the resolution I had offered to the form now presented. However, if the Senator objects, I will offer it later.

Mr. LODGE. I wish the Senator would offer it later, as I should like to discuss my own amendment and perhaps to offer it in a modified form. I should like to present it myself.

Mr. FORAKER. I do not want to object to the Senator offering anything he wishes to offer, but I supposed I had a right to offer anything I saw fit to offer.

Mr. LODGE. Also I yielded the floor, but I did not yield it for that purpose.

The VICE-PRESIDENT. The Senator from Massachusetts will proceed.

Mr. LODGE. Mr. President, I am entirely in favor of an investigation by the Senate committee of the occurrences at Brownsville, Tex., on the night of the 13th of August last, but the resolution offered by the Senator from Ohio [Mr. FORAKER] in its present form seems to me to go very much further than a mere inquiry into the transactions at Brownsville on that night. It involves practically an inquiry into the right of the President to take the action which he took following the incident at Brownsville. The resolution says that the committee is "to take such further testimony." Neither the Senate nor the committee has taken any testimony at all. Therefore the testimony referred to must be the testimony taken by the Department and upon which the President based his action. The resolution then continues to say, "as may be necessary to establish the facts connected with the discharge of the" soldiers, etc.

The discharge of the soldiers was an Executive act, in accordance, as I believe, and as I shall try to show, with the constitutional power of the Executive. But it was certainly an Executive act, and I do not think, Mr. President, that it is within our province as a body to review or to attempt to revise Executive action.

There is only one way in which we can deal with Executive action in the sense of reviewing or revising it, and that is by the method of impeachment, and in that case it does not lie with this body, which furnishes the judges under the Constitution, but with the House of Representatives, to inquire into Executive action.

My purpose in offering the amendment which I did was to exclude absolutely from the field of our inquiry the Executive action which has been taken. I was not at all satisfied with the very hasty amendment which I drafted, and I ask leave now—in fact, I believe I have the right—to modify that amendment, and I offer another, which is broader and more complete,

and which excludes entirely from the action of the committee all reference to the Executive action. After it has been read I will briefly explain to the Senate why I think all questions of Executive power should be eliminated from this resolution. I will ask the Secretary to read the amendment, proposed as a substitute for the amendment I offered heretofore.

The VICE-PRESIDENT. The Senator from Massachusetts proposes an amendment, which will be read.

The Secretary read as follows:

*Resolved*, That the Committee on Military Affairs be, and hereby is, authorized to make inquiry and take testimony in regard to the affray at Brownsville, Tex., on the night of August 13, 1906, and that it be, and hereby is, authorized to send for persons and papers and administer oaths and report thereon, by bill or otherwise.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. LODGE. Certainly.

Mr. CULBERSON. As that seems to be in the nature of a substitute—

Mr. LODGE. It is in the nature of a substitute.

Mr. CULBERSON. I ask the Senator if he has any objection to adding the sentence I offered this morning as an amendment—

Mr. LODGE. Not the slightest.

Mr. CULBERSON. To the effect that the committee be authorized, if they deem it necessary, to visit Brownsville.

Mr. LODGE. I recall the Senator's amendment, and have no objection at all to it.

I offer that amendment in the nature of a substitute, and it will be observed by the Senate that I have cut out every allusion to the discharge or to the soldiers, and I have left it simply as an inquiry into the occurrence at Brownsville on the 13th of last August, which is something that, unquestionably, a committee of either House of Congress has a perfect right to enter upon.

There are two questions involved here, Mr. President. There is a question of fact and a question of law. The question of fact is as to who committed or took part in the shooting at Brownsville on the 13th of August—not what individuals, but what groups or bands of persons did the shooting. It is admitted, and is not disputed by anyone so far as I am aware, that on the night of the 13th of August there was shooting in the streets of Brownsville, Tex. Houses were fired into. One man was killed. The lieutenant of police had his horse shot under him and was so severely wounded in the arm as to necessitate its amputation. Those facts, as I say, I believe are admitted by everyone. The question is, by whom was this shooting done?

The President of the United States, the Secretary of War, the officers of the Regular Army detailed to examine and report upon the case decided that the shooting was done by soldiers of the Twenty-fifth Infantry stationed at Fort Brown. Upon the testimony which was furnished to them and which has been furnished to Congress accompanying the President's message the Executive took action.

The Constitution League, in behalf of the soldiers, alleges that the shooting was done by inhabitants of Brownsville, who disguised themselves in cast-off uniforms of the troops, supplied themselves with exploded shells and cartridges from the target ranges, shot up the town, and scattered the shells about so as to give the impression, as they were the shells used exclusively in the new model Springfield, that the shooting had been done by soldiers. That is the proposition of the Constitution League.

Mr. President, that shooting was done either by some of the soldiers or by some of the inhabitants of the town. It was done by some one. No vague beings drifted in from outside and did that shooting only to disappear next morning. Universal negations are useless here. The shooting was done by somebody, and it was done either by the soldiers or by the citizens under the circumstances described in the document furnished by the Constitution League, which is printed with the message.

If, Mr. President, it was done by troops of the United States, I think no reflecting man can question that the severest, the most exemplary punishment is deserved by the soldiers guilty of such an outrage. If it was not done by the troops, then they are entitled to the most complete vindication and redress which the Government and Congress can give to them.

On the other hand, Mr. President, if this shooting was done by the inhabitants of Brownsville, then it was one of the most diabolical plots ever conceived by civilized men, in which lives were sacrificed and other lives endangered for the odious purpose of casting the burden of guilt upon innocent men.

Justice to the troops demands that there should be no question as to their guilt or innocence, and justice to the people of that community demands that there should be no question as to their guilt or innocence.

Now, Mr. President, that is a question of fact. As a member of the committee which will be charged under this resolution with an examination of the testimony I do not propose to express or form any opinion at this time as to that question of fact. I want to hear all the testimony that can be furnished. I understand that the testimony on which Major Blocksom acted is to be brought before the Senate in the form of depositions and sworn affidavits. I have no doubt there is a great deal of other testimony to be presented, and until that testimony is presented it would be manifestly unbecoming in me as a member of the committee to express at this time any opinion in regard to it.

I therefore put aside the question of fact which I have endeavored to state, and I express no opinion whatever in regard to it. But the question of law which is involved in the resolution as it stands, and which I desire to exclude completely from the consideration of the committee or of the Senate, is a very different one indeed. On that proposition of law I have made up my mind after such investigation as I have been able to give to the subject.

The power of the President to make discharges without honor has been, if not denied, questioned here and elsewhere, and it is in regard to the power of the President that I desire to speak to the Senate to-day, and to show, so far as I can, not only that the power which he exercised was a constitutional and legal power, but that in its exercise he is not to be questioned by a committee of either House, and that the only way he could be questioned would be by impeachment under the Constitution. For that reason I desire by the amendment which I have offered to exclude it absolutely from the investigations of the committee.

Mr. President, the powers conferred upon the President of the United States by the Constitution are easily stated. He is made the Commander in Chief of the land and naval forces, and it is further provided in the Constitution that those land and naval forces shall be regulated by Congress. It is also to be noted in the fifth amendment, which is a part of the ten amendments constituting what may be called the "bill of rights," and which provides and guarantees to citizens charged with capital crimes presentment to a grand jury, that the land and naval forces are expressly excepted, showing that from the beginning it was recognized that the land and naval forces of the United States were under a law entirely different from the law which regulated the affairs of men in civil life.

When the framers of the Constitution made the President Commander in Chief it vested in him all the powers inherent in that office, which was one well understood, and the powers of which were thoroughly apprehended and appreciated by the men who framed the Constitution, and over whom Washington presided, who had been the Commander in Chief of the forces of the United States.

What, briefly, were the powers inherent in the Commander in Chief? Anyone who will take the trouble to look over the introduction by General Davis to his volume on Military Law will find a history of our rules and Articles of War succinctly stated there. It is enough for me here simply to point out historically the leading points in the development of our military law or in the Articles of War which are embodied in our statutes.

Of course, we are concerned principally with the rules and ordinances of war which have come down to us from Great Britain, for that was the source from which we took our military law. Ordinances and rules of war date back to the Norman conquest, and from that time on they were promulgated by the king, who was the commander in chief. They had no parliamentary sanction of any character. Whatever arrangements were made for the trial of an officer or the infliction of penalties on either officers or men it was within the decision and the power of the commander in chief—that is, of the king alone. The absolute power in the hands of the commander in chief down to the time of Elizabeth is illustrated by the familiar line in *Othello*, where he says:

But never more be officer of mine.

That was the conception at that time of the arbitrary and complete authority of the commander in chief.

Modern articles of war are largely based on and derived from the ordinances of war established by Gustavus Adolphus, embodied in England in what was known as Prince Rupert's Code. Those were the rules followed by both sides in the civil wars of England; and when we meet with the first great change in the relation of military law to the civil power it is at the time of the accession of William of Orange, when the famous mutiny act was passed by Parliament. That mutiny act, as everyone knows, embodied the military law of the time in a statute, and provided for courts-martial in the case of mutiny and desertion, thus giving the protection of statute law to officers or men

charged with those offenses. It provided further that the act should last only one year, in order that the jealousy of the standing army, so characteristic of the English-speaking people, should be satisfied by a provision which required the reenactment of that law every year by the British Parliament, and from that day to this I believe that the mutiny act has had its reenactment in every Parliament.

When we came to our Revolution we adopted the military laws of England. They were those that our officers had been accustomed to in the old French war, and in all military organization; and our modern Articles of War, which were embodied in the statutes soon after the adoption of the Constitution, the principal revision being, I think, in 1806, preserved still the characteristics of the military law which we took over from England.

I will read a single sentence from the opinion in *Blake v. The United States*, in 13 Otto, in which Mr. Justice Harlan, in delivering the opinion of the Supreme Court, said:

From the organization of the Government, under the present Constitution, to the commencement of the recent war for the suppression of the rebellion, the power of the President, in the absence of statutory regulations, to dismiss from the service an officer of the Army or Navy, was not questioned in any adjudged case or by any Department of the Government.

I read that merely to show briefly the very great powers inherent in the Commander in Chief down to so recent a time as that—powers which enabled him to dismiss even a commissioned officer from the service. If I may quote one word from General Davis's *Military Law*, he says:

The Articles of War in force in the armies of the United States were derived originally from the corresponding British articles. As the colonial troops had served with the royal forces operating in America during the wars immediately preceding the outbreak of the war of the Revolution, and while so serving had been subject to the British Mutiny Act and Articles of War, they became as a consequence familiar with those articles.

Therefore, Mr. President, it is of interest to see what to-day is the attitude in Great Britain in regard to the power of the commander in chief as to summary dismissals. It is quoted in the papers accompanying the President's message from Clode's *Military Forces of the Crown*:

Though an engagement is made for a term certain, the Crown is under no obligation to retain the soldier, either in pay or in arms, for that period, but may discharge him at any time. The safety of the realm may depend in some measure on the immediate discharge or dismissal of any man or regiment in arms, and, equally, that the cause of such dismissal should not at the time be disclosed by the responsible ministers of the Crown.

In England, in other words, the power of summary dismissal—that is, of terminating the enlistment—is absolute to-day, and as Clode, the authority I have quoted, says, it may be extended to an entire regiment, and no reasons need be given for the action beyond that of the good of the service.

Now, Mr. President, has that power of summary dismissal, unquestionably inherent in the Commander in Chief as originally established, been taken from him by any regulation or law of Congress? If it has not been specifically taken from him then he still possesses, as he does all other powers inherent in the office of Commander in Chief of which he has not been deprived or in which he has not been limited by law. I think it will be found that not only has the power of summary dismissal not been taken away, but that it has been expressly recognized. Article 4 of the Articles of War, which are a part of chapter 1342 of the Revised Statutes of the United States, provides that—

No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field officer of the regiment to which he belongs, or by the commanding officer, when no field officer is present; and no discharge shall be given to any enlisted man before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

In other words, the fourth article of war recognizes explicitly the power of the President to discharge a man before his term of enlistment has expired, and excepts that power from the general operation of the article. When that form of discharge occurs, I quote the language of Davis in his *Military Law*—

Although the engagement of the soldier, under his contract of enlistment, is for a term certain, the Government is under no obligation to retain him in service to the end of the stipulated period, and, under the authority conferred by this article, may "terminate at pleasure an enlistment without regard to the soldier." It is essential to the discipline and efficiency of the military establishment that the Government should "not only have, but should be able to exercise, this power without question or controversy," and at its discretion.

Then he says further:

A third species of discharge, recently recognized, is "discharge without honor." It is employed in cases where there has been no sentence adjudging a dishonorable discharge, but where the discharge awarded is induced by conduct or circumstances not honorable to the soldier—where his status is not one of real honor, as where he has been sentenced to a term of imprisonment in a penitentiary by a civil court.



In the footnote on page 357 I find the following:

The causes for and occasions upon which this form of discharge may be resorted to are set forth in Circular No. 15, Headquarters Army, 1893 (par. 151, Army Regulations of 1895), which contains the requirement that this form of discharge will be used in the following cases only:

(a) When a soldier is discharged without trial on account of fraudulent enlistment.

(b) When he is discharged without trial on account of having become disqualified for service, physically or in character, through his own fault.

(c) When the discharge is on account of imprisonment under sentence of a civil court.

(d) When at the time of the soldier's discharge, at or after the expiration of his term of enlistment, he is in confinement under the sentence of a court-martial, which does not provide for honorable discharge. Circular 15, Headquarters Army, May 11, 1893; paragraph 151, Army Regulations, 1895.

(e) With forfeiture of retained pay on the approved finding of a board that he has not served honestly and faithfully.

(f) When discharged without honor is specially ordered by the Secretary of War for any other reason. Paragraph 151, Army Regulations, 1895.

The power is made, Mr. President, as sweeping as possible. It is merely the form of the discharge that is new; one, Davis says, "recently recognized," and which has been in force for the last thirteen years. The form does not affect in the least the general power of summary dismissal, which has always been inherent and recognized in the Commander in Chief.

Moreover, Mr. President, as is cited in the report of the Judge-Advocate-General, within the past year 352 men in the Army of the United States have been discharged from the Army without honor by order of the Secretary of War. If he had the right to do it for one man, he has the right to do it for ten or for twenty or for a hundred or for a regiment; the principle is precisely the same, and the power of summary dismissal has been inherent in the Commander in Chief since there has been such a thing as military law, and remains vested in him unless taken away by statute. That power is simply recognized and regulated by the discharge without honor.

Precedents are not wanting, and the fact that they occurred in time of war or in time of peace does not affect the principle. I do not propose to go into these precedents at any length. They are all printed here. I merely want to call attention to certain orders that were issued by two great generals and to the language that those generals employed. One is the case of General (then Colonel) Lee, before the breaking out of the civil war, in which the offense had been that the soldiers had lynched a bartender. A member of the company, Captain Hesse, makes the statement in regard to it, and he says, on page 540 of the message and accompanying papers:

The inquiry, although rigid, failed to fasten the blame on any person, and at its conclusion Colonel Lee ordered the company to be disbanded and the members transferred to other companies to be discharged at the end of their enlistments without honor; that is, without the right to reenlist in the Army.

That is, without the right to reenlist in the Army. What the final action was is not known, for the civil war shortly afterwards broke out, and the papers in the case, which were in Texas, disappeared. But we have another case, an order of General Lee, in which we have the explicit order itself, and which is important on account of the last sentence:

The ——— Battalion, for cowardly conduct on every battlefield from Gettysburg to the present time, is unworthy of a place as an organization in the army of northern Virginia. It will be marched to division headquarters Wednesday afternoon, at 4 o'clock, and surrender its colors and be marched to the rear in disgrace. The general commanding the army of northern Virginia regrets that there are some brave officers and men belonging to this organization who must share in this common disgrace, but the good of the service requires it, and they must bear it as brave soldiers.

That is General Lee.

Then there is the case of Grant's order, which is given on page 542, which had no connection whatever with the war or the military service. The men had broken into a store and stolen, and it had been found impossible to convict the individuals who were guilty, and General Grant ordered that the sum of the loss of \$1,242.68 "be assessed against said regiment and the officers hereinbefore named, excepting such enlisted men as were at the time sick in hospital or absent with proper authority." In that case the principle of punishing the entire organization for what was necessarily the offense of a few men was fully recognized when the culprits could not be discovered.

I merely read these orders to show what has been the universal military practice.

Why, Mr. President, there is a famous case, which everyone must remember, in connection with the siege of Yorktown. One of the French regiments which took part in the capture of the redoubts at Yorktown was a regiment known as the "Royal Auvergne." They had their names, I think—their standards, I am sure—taken from them on account of bad conduct at some previous time. The disgrace fell upon them all, innocent and guilty

alike. It was done by the power inherent in the Commander in Chief; and in recognition of their gallantry at Yorktown they were restored by the same power. Military history is full of punishments of that kind, some involving, like General Lee's case, summary dismissal, others involving other general punishments.

Mr. President, the enlisted men are under a contract. I need not go into that with any elaboration. It is stated in the very familiar case, which everybody who has looked at the subject has examined—*In re Grimley* (137 U. S.)—in which the court states in so many words that enlistment is a contract. It is a contract that is recognized and, as all the writers on military law recognize, a contract terminable at the pleasure of the Government; and in the terminating of that contract by the discharge without honor the President exercised the old power of summary dismissal, which has been characteristic of the power of the Commander in Chief from the beginning.

Mr. President, that power of summary dismissal rests on even broader grounds than military law. It is an absolute necessity in the power of anyone charged with the conduct of any organization, from the family upward. It is one of the powers by which social organization coheres. You can not imagine the possibility of conducting a household or a business if no man could be removed unless it was done on evidence which would convict him of a crime or a misdemeanor before a jury. We had the question in connection with our civil service.

It was long a matter of debate after the adoption of the Constitution whether the President had the unrestricted power to remove, and finally, in the bitter controversy that arose with Andrew Johnson, Congress passed the tenure-of-office act. I never myself believed, as an abstract question, that it was constitutional, but whether it was constitutional or not, it was found to be absolutely impracticable. That statute, passed in the heat and bitterness of party controversy, was modified under Grant and repealed under Cleveland. To-day I do not think there is any question whatever that the power of removal must rest in the Executive, and that unless he has that power over the men charged with the conduct of the civil service, it would be utterly impossible to carry it on efficiently or decently for any length of time.

Mr. President, what is true of the civil service of the Government is true with tenfold force of the military service of the Government. It lies at the very bottom of military discipline that this power of summary dismissal, always inherent in the Commander in Chief, should be exercised by him to-day. I am not now concerned in the least with the facts on which it was exercised in this particular case; that is of very little moment compared to the general principle involved in the attempt that has been made to question the power of the President in the premises—his general power to issue a discharge without honor. If the Commander in Chief—and this power is conferred by article 4 not only on the Commander in Chief, but on the Secretary of War and the department commander—if this power of summary dismissal were taken away, I do not believe that military discipline could be maintained with the slightest success in the United States. I myself believe that the questioning of the President's power, which has gone on in the press and elsewhere, has been already prejudicial in the highest degree to the discipline of the Army of the United States. What we may find the facts to have been at Brownsville is one thing, but it is a much broader and graver question when we attempt to overturn and cast doubt upon the authority of the Commander in Chief of the Army and Navy of the United States. If military discipline is not maintained, the Army of the United States, instead of being what it is meant to be—a protection to the citizens of the United States, ready in case of war or insurrection to go to the support of order and law and liberty and property alike—instead of being that it will be a menace to every community where soldiers happen to be in garrison. Cases must constantly arise where it will be utterly impossible to find evidence which will convict a man before a jury of a crime or a misdemeanor, and yet where it is absolutely essential that the military power should be exercised to separate such a soldier from the service.

Mr. President, if I may briefly repeat the points which I have tried to make, I think it is clear to anyone who will examine the history of our military law that the power of summary dismissal was inherent in the Commander in Chief of the military forces from the beginning; that it has always remained undiminished in the commander in chief in England, from whom we took our system of military law; that when we made the President Commander in Chief under the Constitution we invested him with that power of summary dismissal; that it has never been taken from him, but, on the contrary, has been explicitly reserved to him in Article IV of the Articles of War,

which are part of the statutes of the United States. If he did not have that power, if the Commander in Chief were not vested with that power over the Army, then it would be the very pressing duty of Congress, in my opinion, to place that power in his hands.

Military forces can not be dealt with under the provisions of law which regulate our civil affairs. That is recognized throughout the world and has always been recognized in every army and in every country. But, Mr. President, there is no doubt in the world in my mind that under the Constitution, which makes him Commander in Chief, under the Articles of War which I have cited, under the unbroken practice and custom of the Department, the President is fully authorized legally and constitutionally to dismiss from the service without honor soldiers, enlisted men, who, in his judgment, the good of the service requires to be dismissed. I think that is as plain as anything can possibly be on the face of the statute and of the Constitution.

But, Mr. President, if he has violated the Constitution and the laws in exercising this power of dismissal without honor, not merely in this case, but in 352 other cases during the past year, then it is a far more serious thing than the ascertainment of the facts as to the riot at Brownsville, because, if we once admit that, we then charge the Chief Executive with an impeachable offense.

Mr. President, for reasons which I need not rehearse, I think Executive action in this case is beyond our jurisdiction. I do not think we can undertake to review the action of the Executive any more than the Executive can undertake to review our action. He acts under the Constitution and laws as we do. In issuing this order of dismissal he was performing a purely executive function. If the Senate desires to inquire into the occurrences at Brownsville on the night of the 13th of August last, that is entirely right and proper. As I have said from the beginning, I shall cheerfully vote for a resolution of that character. I do not want to delay it one moment, and in offering my amendment I have no purpose whatever of delay—quite contrary. But, Mr. President, it will lead to long delay if we do not dispose of this question now and remove it from the resolution by which we direct the Committee on Military Affairs to make inquiry. I not only wish the resolution to pass in what I think the proper form, but I want it dealt with quickly. I have no desire to see it dragged out for another year, perhaps. I think we ought to deal with it now, and, in my judgment, the surest way to expedite it is to clear it of the legal and constitutional question which has been raised here; and not only been raised here, but which is inevitably involved in the resolution as it now stands phrased.

It is for that reason, Mr. President, that I have offered my amendment, so that the question of the constitutionality and legality of the President's action may be wholly excluded from the scope of the Senate's inquiry.

Mr. FORAKER. Mr. President, the Senator from Massachusetts [Mr. Lodge] criticises the resolution I offered, in the first place, because it authorizes the Committee on Military Affairs to take "further testimony." He reminds us that the Senate has not taken any testimony, and that, therefore, to direct the Committee on Military Affairs to take "further testimony" is not the proper direction for us to give, for it assumes that we have done something that we have not done. In the first place, Mr. President, I am not particular about the language that may be employed. I do not care whether the resolution is worded "to take further testimony" or simply "to take testimony;" but, in view of what the Senator from Massachusetts has said, it is in order perhaps for me to state that when I framed the resolution in the way to which he takes exception in the respect referred to I had in mind that the President of the United States had transmitted to the Senate a lot of affidavits and other statements, not under oath, to which he referred as testimony. The President told us in that message that the testimony he had thus sent to us was conclusive and overwhelming. I undertook to show, in answer to that statement, that it was neither overwhelming nor conclusive, but inadequate, insufficient, flimsy, and unsatisfactory. I do not know whether or not I employed any other adjectives. I would have done so if I could have thought of any others, for I quite agree with the Senator from Massachusetts in his suggestion that there is in fact no testimony before the Senate. But it was that that I had reference to when I employed the term "take further testimony."

This resolution shall not fail, however, let me say again, because of any mere technical objection to the language which may have been employed by me when I drafted it. I am after the substance. I will let all things that are not substantial be waived.

Coming now to the substance, the Senator has offered a substitute. He says the substitute, as he has offered it, is to have practically the same effect as would have been produced by the adoption of the amendment he offered last Thursday to the resolution which I had introduced, and he tells us that his purpose in offering the amendment he did offer to my resolution and now in offering his substitute is to recognize the fact that there are two great questions—one a question of fact, about which he concedes we have a right to make inquiry, and the other a question of law, or a question of constitutional and legal power on the part of the Executive to take the action that is under consideration. That, the Senator says, we have no power to take any notice of, and he wants us to separate these two questions, that not only the committee, but also the Senate shall be concluded from giving any consideration whatever to, or taking any action upon, the question of the constitutional and legal power of the Executive to take this action.

Mr. President, because the Senator so interprets his amendment to my resolution and the substitute he now offers I am opposed to both. It is not true, as I understand the law and the authorities—and I repeat in this connection that I may, of course, be mistaken about it, for it is only my opinion—that the President as Commander in Chief has inherent power to do that which he has done, and that Congress has never undertaken to deprive him of that inherent power.

What is the power of the President? It is twofold. In all the authorities it is spoken of as constitutional power and legal power. What is the constitutional power of the President? His constitutional power is to command. "He shall be Commander in Chief of the Army and the Navy." That is all the power the Constitution confers upon him. If there were nothing else said about the Army or the Navy, or about anybody else exercising any power with respect to the Army and Navy, it might well be argued, as the Senator from Massachusetts has argued, that the power of the Commander in Chief is the same power that the commander in chief of the British army was invested with and exercised.

The power of the President with respect to the Army and Navy is not, however, deduced from what was the practice or what was the power in the British army, but it is deduced from the Constitution of the United States. He has no power as Commander in Chief except only that which is by that Constitution conferred upon him. Under the Constitution he has no power to raise an army; he has no power to dismiss an army. He has power to grant discharges in certain cases only because the Congress of the United States has conferred that power upon him, a power not only with respect to discharges, but a power in connection with the Army in other respects. What he derives directly from the Constitution is his constitutional power; what he derives from the Congress of the United States is his legal power.

It is not an open question what is his power under the Constitution as Commander in Chief. We do not have to go to the British army and to British precedents to ascertain the limitations of that power. The Supreme Court of the United States has spoken on that point as long ago as in 9 Howard. The Supreme Court of the United States said, speaking on that subject, at page 615:

As Commander in Chief he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy.

I might read further to the same effect. It is enough to say that in that case, and ever since in every other case in which the Supreme Court of the United States has had occasion to speak on that subject, what the Supreme Court then and there said has been repeated without modification or change of any kind whatsoever. In every instance, when the power of the Commander in Chief of the Army of the United States has been referred to, it has been said by that court that his constitutional power is the power to command. He can direct where the Army and Navy of the United States shall be quartered or stationed; how they shall be employed in time of war; how they shall be directed to move against the enemy; and all that is over and above and beyond the power of the Congress of the United States to control. That is his absolute, unqualified power, with which the Congress of the United States has no authority whatever to interfere.

In 16 Peters, at page 291, the Supreme Court of the United States again spoke on this subject in the case of *The United States v. Eliason*. The last paragraph of the syllabus reads as follows:

The power of the Executive to establish rules and regulations for the government of the Army is undoubted. The power to establish necessarily implies the power to modify or to repeal or to create anew. The Secretary of War is the regular constitutional organ of the President for the administration of the military establishment of the nation,



and rules and orders publicly promulgated through him must be received as the acts of the Executive, and as such are binding upon all within the sphere of his legal and constitutional authority.

Mr. President, what does that mean? It means simply this, as in this opinion is elaborated, that if with respect to any subject necessary in the regulation of the Army the Congress of the United States shall not have spoken, *ex necessitate rei*, the Commander in Chief may prescribe a regulation, and that it will be effective, but no regulation can be made by the Commander in Chief except only such as may be within the sphere of his legal and constitutional authority and power.

Mr. President, there is no autocracy in this country. There is no arbitrary and dictatorial and unrestrained and unrestricted power in even the Commander in Chief of the Army of the United States. All power is derived from the Constitution. The President's power as Commander in Chief comes to him directly from the Constitution, and his legal power comes to him from the Constitution, through the Congress of the United States. What he does not derive directly from the Constitution or through enactments of the Congress of the United States he is as absolutely without as though he were any other person or individual other than the Commander in Chief. I shall not take time to read from the body of the opinion. I have read the essence of it. I have read it to show that, as I said a moment ago, there are two kinds of power with respect to the President as Commander in Chief with which he is invested—one the constitutional power to be Commander in Chief, the other legal power conferred upon him by Congress, and conferred upon him by Congress because the Constitution says that the Congress shall have power to raise armies and to prescribe rules and laws and regulations for the government of the Army. In prescribing these rules the Congress can say "The President may have power in certain contingencies to dismiss men from the Army which we have raised;" but, without such a provision, if the Congress should have spoken upon it at all, the President would not have that power, except in conformity with the law of Congress. Wherever the Congress has spoken in the making of a regulation, that regulation is the law of the land, and it is binding on the President of the United States as well as upon everybody else.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. CULBERSON. I understand the Senator from Ohio to have referred to the regulations for the Army, which have been from time to time promulgated by the President. What I desire to ask the Senator is this: Does he take the position that the power of the President to promulgate such regulations springs from the statute alone or from his constitutional authority as Commander in Chief?

Mr. FORAKER. I spoke explicitly on that point. The Senator, of course, was not following me closely enough to catch what I said. I said if, with respect to regulations, the Congress failed to act as to the regulation on any particular point the President might *ex necessitate* make a regulation as Commander in Chief, but if the Congress shall have acted then, the President has no power to act except only in conformity with and by virtue of that authority of law.

Mr. President, in 169 United States, in what is known as the "Garlinger case," at page 316, it was held by the Supreme Court of the United States with respect to regulations made by the Treasury Department, which are determined upon the same principles precisely—that the regulation must conform to law—that it can not add to any right or detract from any duty. If the Congress of the United States shall have spoken upon the subject, no other power can speak except in conformity to the will of Congress as the Congress has so expressed its will.

Mr. President, has the Congress spoken on this subject? The Senator from Massachusetts [Mr. LODGE] tells us that the relation of the enlisted man to the United States is a contractual relation. That is true. Nobody, I believe, ever contended for anything else. And it is because it is a contractual relation that the enlisted man has rights beyond what he would have but for his contract. When I was speaking here a few days ago I called attention to the nature of his contract. It is set forth in the second article of war. There is nothing indefinite as to the obligation of the enlisted man, nor is there anything indefinite as to the rights of the enlisted man. In the second article of war it is provided that when he enlists he shall take this kind of an obligation:

I, A. B., do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever, and that I will obey the orders of the President of the United States and the orders of the officers appointed over me, according to the rules and Articles of War.

In other words, the rules and Articles of War are incorporated into this contractual obligation that the enlisted man assumes when he enters the service of the United States in the Army. "Rules" relate to regulations that are prescribed for the government of the Army. The Articles of War are directly enacted by the Congress of the United States.

Now, what are these Articles of War first? At great length I pointed out here a few days ago that the Congress of the United States in enacting the Articles of War which are incorporated in the enlisted man's contract, had specifically pointed out in advance and provided for almost every kind of offense that an enlisted man could be foreseen to be likely to commit, and with respect to every such it had specifically provided that he should have a right to trial by court-martial and his punishment should be such as the court-martial might inflict. And then, for fear something might be omitted, might not be covered, they enacted an omnibus clause, now the sixty-second article of war, in which it is provided that every offense—I will not stop to read it—no matter what its character may be, except only murder, which was to be taken care of otherwise, every offense prejudicial to good order and military discipline should be cognizable under the sixty-second article of war, and the punishment should be such as a court-martial might direct.

Mr. President, on that occasion I went to a good deal of trouble to show upon authority that what these unfortunate men who have been discharged from the Twenty-fifth Infantry had been guilty of, if anything, was an offense cognizable under the sixty-second article of war. I had not then seen Senate Document 155. It had been sent to the Senate by the President the day before and we had sent it to the printer. It was in his hands. It came to the Senate while I was speaking. I had no opportunity to look through it, but I did look through it a day or two afterwards. And one of the first things I discovered was that the War Department and the President and the Department of Justice had precluded themselves from denying that these alleged offenses were cognizable under the sixty-second article of war.

It will be remembered that thirteen men, one of them a discharged soldier, were singled out and arrested on civil process at Brownsville, charged with the commission of this offense, and incarcerated in jail and held there by the civil authorities until the time when the Twenty-fifth Infantry left there to go to El Reno. Just before they left an agreement was arrived at between the Government authorities and the civil authorities whereby the twelve soldiers were discharged. Immediately after the War Department and the President and the Attorney-General, who had been brought into the case to give his advice and opinion on these important subjects, were advised of that, they directed the department commander of the Department of Texas, General McCaskey, I believe it was, to proceed forthwith to file charges against each and all of the twelve men under the sixty-second article of war.

I at once wrote a letter to the Secretary of War and requested to be informed—for that record did not state anything about it—whether the charges had been so filed and, if so, what had become of them. In due time I received from him the charges and specifications, twelve in all. There should be that many here. I want to incorporate them into the record. They are all alike:

Charge and specification preferred against Sergt. James R. Reid, Company B, Twenty-fifth Infantry.

He is the man who was sergeant of the guard on the night sixteen men went out, as claimed, from that fort with guns and arms, and climbed over the wall and shot up the town, and then returned without him or anybody under his command, although on duty and on the alert, looking for people coming from that direction, seeing one of them. Something was said by the Senator from Massachusetts [Mr. LODGE] about a most astonishing and mysterious sort of plot that the Constitution League contended had been entered into. I do not know; I do not want to speak about the facts now, but I will say this much in passing: If what is contended for here to show that these men are guilty of this charge be true—that there was such a conspiracy, such a consummation of it, and that many men engaged in it, and the number of accessories before and after the fact necessary to enable it to be carried out—it is a thing that has happened without a precedent in all the history of criminal jurisprudence. In my opinion such a thing never happened, never could happen, and never will happen. But that is foreign to the point I was discussing.

I want to show that these men, if they committed the crime charged against them, are amenable to the law. There was a law created by which they were to be tried, by which, according to the obligations which they assumed when they enlisted, they had a right to be tried, and a right, as the Supreme Court has

said, that no power on earth can take away from them. Now, here is what they are charged with:

*Charge.*—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

*Specification.*—In that Sergt. James R. Reid, Company B, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to property of inhabitants of said town. This on or about August 13, 1906. (Signed.) H. Clay M. Supplee, first lieutenant and battalion adjutant, Twenty-sixth Infantry, officer preferring charge.

Then there is a list of witnesses, and then there is an indorsement to which I call attention. It is the first indorsement:

[First indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,

Major, Twenty-sixth Infantry, Commanding.

I send to the desk this paper, with eleven others just like it in form—there should be that many—and I ask that they may be incorporated in my remarks without being read. I wish to put them in the RECORD at some point, and they may as well come in here as at any other.

The VICE-PRESIDENT. Without objection the papers sent to the desk by the Senator from Ohio will be printed in the RECORD.

The papers referred to are as follows:

*Charge and specification preferred against Sergt. James R. Reid, Company B, Twenty-fifth Infantry.*

*Charge.*—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

*Specification.*—In that Sergt. James R. Reid, Company B, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,

First Lieutenant and Battalion Adjutant,  
Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D, Twenty-fifth Infantry.

In confinement since August 25, 1906.

Rate of pay, \$23 per month.

Previous convictions: One, September 8, 1905.

[First indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,

Major, Twenty-sixth Infantry, Commanding.

*Charge and specification preferred against Sergt. Darby W. O. Browner, Company C, Twenty-fifth Infantry.*

*Charge.*—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

*Specification.*—In that Sergt. Darby W. O. Browner, Company C, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,

First Lieutenant and Battalion Adjutant,  
Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. George Jackson, Company B; Private John Hollomon, Company B; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D, Twenty-fifth Infantry.

In confinement since August 25, 1906.

Rate of pay, —.

Previous convictions: None.

[First indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph

962, Army Regulations, these charges have been investigated by the undersigned as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,

Major, Twenty-sixth Infantry, Commanding.

*Charge and specification preferred against Corpl. David Powell, Company D, Twenty-fifth Infantry.*

*Charge.*—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

*Specification.*—In that Corpl. David Powell, Company D, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town and causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,

First Lieutenant, Battalion Adjutant,  
Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Private Joseph H. Howard, Company D; Private James C. Gill, Company D.

In confinement since August 25, 1906.

Rate of pay: \$20 per month.

Previous convictions: None.

[First indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,

Major, Twenty-sixth Infantry, Commanding.

*Charge and specification preferred against Private James C. Gill, Company D, Twenty-fifth Infantry.*

*Charge.*—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

*Specification.*—In that Private James C. Gill, Company D, Twenty-fifth Infantry, did without authority take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did singly or in company with other party or parties unknown take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town and causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,

First Lieutenant, Battalion Adjutant,  
Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private Joseph H. Howard, Company D.

In confinement since August 25, 1906.

Rate of pay: Thirteen dollars per month.

Previous convictions: Two.

[First indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,

Major, Twenty-sixth Infantry, Commanding.

*Charge and specification preferred against Private Joseph H. Howard, Company D, Twenty-fifth Infantry.*

*Charge.*—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

*Specification.*—In that Private Joseph H. Howard, Company D, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,

First Lieutenant and Battalion Adjutant,  
Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D, Twenty-fifth Infantry.

In confinement since August 25, 1906.

Rate of pay: \$14 per month.

Previous convictions: None.



## [First indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,

Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Private Oscar W. Reid, Company C, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Private Oscar W. Reid, Company C, Twenty-fifth Infantry, did without authority take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did singly or in company with other party or parties unknown take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town and causing damage to property of inhabitants of said town. This on or about August 13, 1906.

H. CLAY M. SUPPLEE,

First Lieutenant and Battalion Adjutant,  
Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D.

In confinement since August 25, 1906.

Rate of pay, \$14 per month.

Previous convictions, four.

## [First indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,

Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Private James W. Newton, Company C, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Private James W. Newton, Company C, Twenty-fifth Infantry, did without authority take from his or other companies stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to the property of inhabitants of said town. This on or about August 13, 1906.

H. CLAY M. SUPPLEE,

First Lieutenant and Battalion Adjutant,  
Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D.

In confinement since August 25, 1906.

Rate of pay:

Previous convictions: Four—December 2, 1905; April 28, 1906; June 4, 1906; June 23, 1906.

## [First indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,

Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Private Charles W. Askew, Company C, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Private Charles W. Askew, Company C, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to the property of the inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,

First Lieutenant and Battalion Adjutant,  
Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Corpl. Willie H. Miller, Company C; Sergt. Darby W. O. Browner, Company C; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Corpl. Charles Madison, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Com-

pany D; Private Joseph H. Howard, Company D, Twenty-fifth Infantry; Sergt. James R. Reid, Company B.

In confinement since August 25, 1906.

Rate of pay, —.

Previous conviction, none.

## [First indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. CLARKE,

Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Corpl. Willie H. Miller, Company C, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Corpl. Willie H. Miller, Company C, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one (1) magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to the property of inhabitants of said town. This on or about August 13, 1906.

H. CLAY M. SUPPLEE,

First Lieutenant and Battalion Adjutant,  
Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. Darby W. O. Browner, Company C; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Corpl. Charles H. Madison, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D, Twenty-fifth Infantry; Sergt. James R. Reid, Company B.

In confinement since August 25, 1906.

Rate of pay: —.

Previous convictions: Four (4).

## [First indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,

Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Corpl. Charles H. Madison, Company C, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Corpl. Charles H. Madison, Company C, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did singly, or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town, and causing damage to property of inhabitants of said town. This on or about August 13, 1906.

H. CLAY M. SUPPLEE,

First Lieutenant and Battalion Adjutant,  
Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private James C. Gill, Company D; Private Joseph H. Howard, Company D.

In confinement since August 25, 1906.

Rate of pay: Fourteen dollars per month.

Previous convictions: None.

## [First indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,

Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Private John Hollomon, Company B, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline in violation of the sixty-second article of war.

Specification.—In that Private John Hollomon, Company B, Twenty-fifth Infantry, did without authority take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did singly or in company with other party or parties unknown take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town and causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,

First Lieutenant and Battalion Adjutant,  
Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. James R. Reid, Company B; Sergt. George Jackson, Company B; Sergt. Darby W. O. Browner, Company C; Corpl.

Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private Joseph H. Howard, Company D; Private James C. Gill, Company D.  
In confinement since August 25, 1906.  
Rate of pay, \$18 per month.  
Previous convictions, 1.

[First indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, the charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,

Major, Twenty-sixth Infantry, Commanding.

Charge and specification preferred against Sergt. George Jackson, Company B, Twenty-fifth Infantry.

Charge.—Conduct to the prejudice of good order and military discipline, in violation of the sixty-second article of war.

Specification.—In that Sergt. George Jackson, Company B, Twenty-fifth Infantry, did, without authority, take from the barracks of his or other company stationed at Fort Brown, Tex., one magazine rifle, caliber .30, model 1903, and did, singly or in company with other party or parties unknown, take part in a disturbance in the streets of Brownsville, Tex., in which disturbance one citizen of said town was killed and another wounded, by loading with ball cartridges and firing said rifle in said streets of said town and causing damage to property of inhabitants of said town.

This on or about August 13, 1906.

H. CLAY M. SUPPLEE,

First Lieutenant, Battalion Adjutant,

Twenty-sixth Infantry, Officer Preferring Charge.

WITNESSES: Sergt. James R. Reid, Company B; Private John Hollomon, Company B; Sergt. Darby W. O. Browner, Company C; Corpl. Charles H. Madison, Company C; Corpl. Willie H. Miller, Company C; Private Charles W. Askew, Company C; Private James W. Newton, Company C; Private Oscar W. Reid, Company C; Corpl. David Powell, Company D; Private Joseph H. Howard, Company D; Private James C. Gill, Company D.

In confinement since August 25, 1906.

Rate of pay: \$23 per month.

Previous convictions: None.

[First indorsement.]

FORT SAM HOUSTON, TEX., August 28, 1906.

Respectfully forwarded to the military secretary, Department of Texas, recommending trial by general court-martial. Under paragraph 962, Army Regulations, these charges have been investigated by the undersigned, as far as practicable with the means at hand, and I am of the opinion that it is doubtful if the allegations as set forth can be substantiated.

C. J. T. CLARKE,

Major, Twenty-sixth Infantry, Commanding.

Mr. FORAKER. Mr. President, the point I make is that if these men were guilty as charged, there was a law, and it has been recognized by the Department that there was a law, under which they could be brought to trial, and The Military Secretary, General Ainsworth, in transmitting his order that the charges should be thus preferred says he does it with the approval of the President of the United States and the Attorney-General of the United States.

Now, what became of it? The Senate is already familiar with the fact that these twelve men were selected as the ones most likely to have committed this crime; and so they were, for they were the sergeant of the guard, and the men on guard, and the sergeants and other noncommissioned officers in charge of the quarters and the guns and the gun racks. They held the keys. No such conspiracy could have been formed and carried out without every one of them having knowledge of it. Their cases were brought before the grand jury at Brownsville. For three weeks, I have been told, the grand jury was investigating, and it finally dismissed the men on the ground that there was no testimony whatever on which to convict them. Then they were in time dismissed from the service of the United States, but dismissed without having been brought to trial under these charges and specifications against them, under the sixty-second article of war. So it is that these men have had no opportunity anywhere, although arrested by civil process and then later charged with a military offense and entitled to a military trial, to appear and say "We are not guilty, and here is the testimony by which we propose to establish our innocence."

Mr. President, the Senator from Massachusetts says, "Very well; go ahead and investigate all the facts connected with the transaction at Brownsville, but do not do anything that calls in question the constitutional or the legal power of the President of the United States to dismiss these men as he has done." Mr. President, if the particular state of facts may be immaterial, then is it immaterial whether there were any facts at all. If the President can discharge because there is a state of facts that causes him to suspicion, and suspicion when, as he says himself, he has no testimony, if upon that condition he can say, "I will dismiss and am warranted in doing it," he can say "I will dismiss without regard to whether there are any facts at all,

and if you want to know about it I will simply tell you"—as the Senator from Massachusetts has, in effect, told us—"it is none of your business. I am Commander in Chief of the Army. I know my constitutional right and power. I know what it was in the British army. I know what it was in the American Army when George Washington commanded, before the Constitution of the United States was adopted, and I have that power, and I will not be questioned, and I will not be called to account."

Mr. President, the President may be right. He has his ideas of the law. He has doubtless studied this question. Others have also doubtless studied it and are in accord with him—the Senator from Massachusetts seems to be—and therefore it may be I am entirely wrong; but I am simple minded enough to think that it makes a great deal of difference whether there are any facts to call for such action as this. I think we have a right to make inquiry, and I think the Senate of the United States would be in a most ridiculous attitude before the country, and with respect to its own duty, if here now it should adopt a resolution, no matter who offers it or what may be its form, that could be interpreted to estop us from raising a question, when we come to consider this case upon the facts that will be developed, as to whether or not upon that state of facts the President acted within his constitutional or legal power, especially if it should turn out that the soldiers did not commit any offense whatever.

But, Mr. President, this becomes a pretty plain case when we run it down a little further. Before the war and down until the 20th of August, 1866, which is the date of the official termination of the civil war, the President of the United States did have power, whenever in his judgment he thought it proper to do so for the good of the service, to dismiss any officer in either the Army or the Navy, and he did have prior to that time far greater and more autocratic powers with respect to the enlisted men than he has ever had since or ever will have again in time of peace.

On the date I mentioned a law went into effect which had been passed in July, 1866—that is, it took effect on the 20th of August following, when it was declared that the civil war was at an end—providing that in time of peace no officer of the Army or the Navy or the Marine Corps should be dismissed without being given a trial before a court-martial. That has been the law ever since.

Now, when they thus legislated about officers, the Congress of the United States commenced also to legislate about enlisted men. They authorized the President of the United States to prescribe a code of regulations, subject to approval by the Congress of the United States, and one President after another prescribed codes of regulations—Army regulations. In no one of them, until 1895, was such a thing as a discharge without honor recognized. But then, for the first time, it was introduced. Before that time all discharges had been either honorable or dishonorable. On that date, however, it was provided also that discharges without honor might be granted.

Now, in what kind of a case? The Senator called our attention to the fact that the President's message discloses by one of its exhibits that during the past year 352 discharges from the Army were granted without honor, and he talks as though of necessity, if what I am contending for could be sustained, every one of them would be invalid and an undue exercise, a usurpatory exercise, of power. Not at all. I think the discharge without honor is proper enough in a proper case, in such a case as it was intended for; and what kind of a case was it intended for?

As I said the other day in speaking, if I had the list before me I would have numerous illustrations suggested to my mind immediately. But the illustration I gave then was of a boy seeking to enlist and succeeding in enlisting by misrepresenting his age. He serves a few months. His mother comes and finds him. He is homesick. He has imposed upon the enlisting officers. His enlistment was not honest. He is not entitled to that certificate of an honorable discharge which should be given only to a man who has rendered faithful and honest service, to employ the language used in the statute. Therefore they say, "The boy is doing no good. It is a case of hardship. He wants to be discharged. We will discharge him;" and the Secretary of War or the President, as the case may be, orders that he be discharged without honor; that his connection with the service be terminated, not in the way of punishment, but in the way of favor to him.

There is another man who has deserted. The officers do not think much of him perhaps as a soldier anyhow. He is arrested and brought back. There may be some great trouble about proving the case against him, or on account of some other difficulty or because of extenuating circumstances they may be willing to



let him go without trial and without honor because he has requested that he may quit the service in that way. So he is granted a discharge without honor.

But, Mr. President, in no case whatever—and I challenge the War Department or anybody else who wants to speak on that side of the proposition to produce one single precedent—has a man been discharged without honor and without hearing because he was charged with a crime which he protested he was not guilty of and who protested against being so discharged. I challenge them to cite a single instance where he has been so discharged until after he has been given a trial. In all the 352 cases the Senator from Massachusetts will not find a precedent. In no instance will he find a precedent.

Mr. President, it is an elementary proposition, it is a birth-right, as the Supreme Court of the United States has said, that every American citizen charged with crime shall have a chance to appear somewhere, before some court, some tribunal, and there meet his accusers and answer their witnesses.

Ah, but the Senator from Massachusetts says the fifth amendment to the Constitution does not apply, with its guaranties of due process when life, liberty, and property are put in jeopardy, to an enlisted man; that it is not intended for the Army, because the Army is expressly excepted. That is true, Mr. President. Nobody ever did contend that in and of itself that constitutional provision had application for the benefit of the excepted classes, but, Mr. President, the Congress of the United States, having scrupulous regard for the fact that the enlisted men were citizens of the United States and entitled to the protection of the law, as a substitute for that constitutional guaranty gave a statutory guaranty, which is written into every man's contract of enlistment, that if charged with crime he should have opportunity to defend himself before a court-martial. And, Mr. President, not only in the numerous articles of war to which I have referred are these provisions to be found, but they are to be found in the Army Regulations, and in the Army Regulations with special reference to discharges without honor.

Let me read what is provided in section 146 of the Army Regulations. The Senator from Minnesota [Mr. NELSON] suggests that I read also article 145, and I will do so:

145. A soldier, on his discharge from the service, will be given a certificate of discharge signed by a field officer of his regiment or corps, or by the commanding officer when no field officer is present. When more than one field officer of the regiment or corps is present the commanding officer may designate the particular field officer to perform this duty, and in any case the commanding officer may require the discharge to be submitted to him before delivery to the soldier.

Now, there is a provision about discharges at the end of service. Here is another provision. It has been claimed that it also applies exclusively to discharges at the end of the soldier's term of enlistment. But, Mr. President, not so, for you will observe, as I read it, how broad and unqualified its language is. It is a provision that is framed for the express purpose of making it impossible for injustice to be done to the soldiers by the exercise of the power to discharge without honor. It reads as follows:

The character given on a discharge will be signed by the company or detachment commander, and great care will be taken that no injustice is done the soldier.

No injustice shall be done the soldier.

If the soldier's service has been honest and faithful, he will be entitled to such character as will warrant his reenlistment—that is, to character at least "good." Where the company commander deems the service not honest and faithful, he shall, if practicable, so notify the soldier at least thirty days prior to discharge, and shall at the same time notify the commanding officer, who will in every such case convene a board of officers, three if practicable, to determine whether the soldier's service has been honest and faithful.

Now, listen to this:

*The soldier will in every case be given a hearing before the board.*

That is not all—

If the company commander is the commanding officer, he will report the facts to the next higher commander, who will convene the board. The finding of the board, when approved by the convening authority, shall be final. Discharge without honor on account of "service not honest and faithful" will be given only on the approved finding of a board of officers as herein prescribed.

Now, Mr. President, there is no pretense that anybody undertook in this case to follow this plain mandate of the law. Is the President of the United States over and above the law? Can he ignore it? Is not a law for all in this country charged with its administration as well as for all who are subject to it?

Suppose this order had been granted by the Secretary of War. He has precisely the same power under the statute to grant discharges without honor that the President has, for the power is conferred in the same sentence, in the same breath, as it were. It is as broad for one as the other. If the Secretary of War had ordered these men discharged no man would be heard here

or elsewhere to claim that he had acted within the law if in doing so he had ignored that provision.

Now, is this an idle provision? Mr. President and Senators, let me call your attention to the fact that this section 146 has been floating around in the Army Regulations in one form and another ever since discharges without honor were first recognized in the Army Regulations in 1895, from time to time changed down until 1901. From 1895 it was provided that the company commander should notify the enlisted man that he would discharge him without honor, and then if the enlisted man wanted a board of inquiry he could make application for it, and upon such application it would be the duty of his commanding officer to give it to him. In 1901 the Army Regulations were so changed, while President McKinley was yet in office, as to provide that if an enlisted man when notified of the intention to discharge him without honor failed to demand a board of inquiry he should be deemed to have waived that right. That stood for two or three years; and then the regulation was put into its present form—namely, that it should be the duty of the company commander to give him notice, and then not the duty of the man to make application for a board if he wanted it, but the duty of the company commander to notify the post commander, and then the duty of the post commander, without consulting the man, to convene this board and notify the man to appear before it to make such defense against putting that kind of stigma upon him as he might be able to make.

Why that care on the part of Congress to change in that way this provision? Why, Mr. President, every man knows, when he stops to think, that the Congress of the United States was thinking of the helpless condition of enlisted men in most of such instances. The Congress of the United States was thinking of their lack of knowledge of legal provisions affecting their rights, and that many men doubtless were losing their rights because they had no knowledge with respect to their right to a board of inquiry. To cure all that, to make it absolutely safe that no man should be put out of the Army of the United States with a brand of crime on him, or any other stigma on him, by a discharge without honor until he had a day in court, the Congress of the United States approving these regulations, which are promulgated by the President of the United States and the Secretary of War, provided that there should be in no case whatever any discharge without honor until the enlisted man had been brought before a board and the court had so decided.

There is no pretense that anything of that kind was done here. If I have argued to any purpose, I have shown that it is the soldier's contractual right to have this inquiry and to have this opportunity to defend, especially where he is charged with a crime.

These regulations, as they now stand, as I have said, were in force, I think, when every one of the men discharged at Brownsville was enlisted on his last enlistment. Every one of them then had these provisions written into his contract of enlistment.

Ah, but we are told by the Senator from Massachusetts of what high importance it is that the President of the United States, as Commander in Chief, should be invested with this arbitrary power. He suggests that dire calamities may follow if in particular instances the President is not so authorized. If so, the responsibility would be not his, but the responsibility of Congress.

But, Mr. President, the Supreme Court of the United States has spoken on that point also. In the Milligan case, reported in 71 United States, the Supreme Court answered that kind of an argument. I perhaps should say to Senators that that was a case where Milligan was tried before a military commission during a time of war, and it was claimed that the State of Indiana, where he was tried, had not seceded, that war was not in effect there, that the courts were open, and that there was a denial of justice not to allow him to go into the duly authorized and constituted courts of the country. The answer was that the exigencies of the case were such that they were bound to take these extraordinary and unprecedented steps as against him. What did the Supreme Court say?

No graver question was ever considered by this court, nor one which more nearly concerns the rights of the whole people, for it is the birth-right of every American citizen, when charged with crime, to be tried and punished according to law.

You can say the same as to the soldier, in view of the fact, which I pointed out, that every conceivable crime is provided for by law, only that he shall be tried before a court-martial instead of in the civil courts.

The power of punishment is alone through the means which the laws have provided for that purpose, and if they are ineffectual—

We are told they were ineffectual here; that here was murder, and perjury, and a conspiracy of silence, an unknown crime under the statutory law of the country, but nevertheless a high-

sounding one, full of much meaning that is reprehensible; and that because they were guilty of all these things they were dismissed from the service. Why? Because they had no testimony to prove any of these things. The Inspector-General, General Garlington, himself reports that he thinks there was probably a conspiracy of silence, but he is unable to find any testimony whatever to that effect. Now, they say therefore this legal proceeding for trial by court-martial was ineffectual, and because he could not discover who the guilty ones were we will turn them all out, the innocent with the guilty. The Supreme Court says:

And if they are ineffectual there is an immunity from punishment, no matter how great an offender the individual may be, or how much his crimes may have shocked the sense of justice of the country or endangered its safety. By the protection of the law human rights are secured; withdraw that protection, and they are at the mercy of wicked rulers or the clamor of an excited people. If there was law to justify this military trial, it is not our province to interfere; if there was not, it is our duty to declare the nullity of the whole proceeding. \* \* \* By that constitution and the laws authorized by it this question must be determined. The provisions of that instrument on the administration of criminal justice are too plain and direct to leave room for misconstruction or doubt of their true meaning.

Speaking further on this subject, the Supreme Court says:

The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government.

This was a time of war, when the nation was in a death grapple for its life, a very different situation from that which was presented at Brownsville, where the occurrence was in a time of profound peace, when the Army had nothing else to do of any importance to be compared with this except only to convene a court, as the law directed, and let these men appear and have their day in court, and present their defense, and have it ruled upon.

Now, here is something else to which I invite the serious attention of every Senator. The Supreme Court, dealing with this claim, that because of a great exigency they had the right to suspend the law, says they have no such right, and then adds this:

Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false, for the Government, within the Constitution, has all the powers granted to it which are necessary to preserve its existence. \* \* \*

Speaking further as to the power of the President with respect to the ordering of the commission, the court says:

They can not justify on the mandate of the President, because he is controlled by law and has his appropriate sphere of duty, which is to execute, not to make, the laws; and there is "no unwritten criminal code to which resort can be had as a source of criminal jurisdiction."

On a point I passed a few moments ago the court speaks in *Ex parte Milligan* as follows:

Congress has the power not only to raise and support and govern armies, but to declare war. It has, therefore, the power to provide by law for carrying on war. This power necessarily extends to all legislation essential to the prosecution of war with vigor and success, except such as interferes with the command of the forces and the conduct of campaigns. That power and duty belongs to the President as Commander in Chief. Both these powers are derived from the Constitution, but neither is defined by that instrument. Their extent must be determined by their nature and by the principles of our institutions.

The power to make the necessary laws is in Congress; the power to execute in the President. Both powers imply many subordinate and auxiliary powers. Each includes all authority essential to its due exercise. But neither can the President, in war more than in peace, intrude upon the proper authority of Congress, nor Congress upon the proper authority of the President. Both are servants of the people, whose will is expressed in the fundamental law. Congress can not direct the conduct of campaigns, nor can the President or any commander under him, without the sanction of Congress, institute tribunals for the trial and punishment of offenses, either of soldiers or civilians, unless in cases of a controlling necessity, which justifies what it compels, or at least insures acts of indemnity from the justice of the legislature.

Now, Mr. President, we are told by the Senator from Massachusetts of some precedents. He tells us of what General Lee did and of what General Grant did. Well, the Judge-Advocate-General, happily for my purpose, has also told us of those precedents. Here is what the Judge-Advocate-General says in Senate Document 155, in a statement submitted to us by the President as an exhibit to his message. The Judge-Advocate-General says, on page 311:

The Secretary to the President, in a letter dated December 1, 1906, advises the Secretary of War that the President would like to have him "look up any precedents (Lee's or others) for the action taken in discharging the battalion of the Twenty-fifth Infantry, and if there exist any such, send them to the President."

A protracted examination of the official records has thus far resulted in failure to discover a precedent in the Regular Army for the discharge of those members of three companies of the Twenty-fifth Infantry who were present on the night of August 13, 1906, when an affray in the city of Brownsville took place.

Without reading it, I will ask to have incorporated what he

says about the Lee case, which he discusses to the extent of a page or more, concluding his discussion of it with the following:

In view of the foregoing statement, it will be seen that the action taken in 1860, in the case of Company G, Eighth Infantry, is not a precedent for the action taken in 1906 in the case of members of the Twenty-fifth Infantry.

The matter referred to is as follows:

The case referred to as "Lee's" by the Secretary to the President is undoubtedly the case of Company G, Eighth Infantry, concerning which an interview with Mr. J. C. Hesse was recently published in the Washington Post. In that interview it was stated that, by order of Lieut. Col. Robert E. Lee, the members of Company G were transferred to other companies of the same regiment and prohibited from reenlisting on the expiration of the terms of enlistment under which they were then serving. A search for papers containing details of the occurrence has resulted in failure to find them, the original papers having been returned in 1860 to the Department of Texas, where they were undoubtedly lost or destroyed at the time of the surrender of the troops in that department to the Confederate military authorities.

The records show, however, that on March 18, 1860, members of Company G, Eighth Infantry, at Fort Davis, Tex., took from the guardhouse a citizen who was confined there and, without opposition from the guard, hanged him to a tree near by until he was dead. The records also show that by order of the regimental commander twenty-seven men of this company were detached from the company and attached to other companies of the regiment, "to restore their discipline," and that twelve other men of the company were transferred to other companies by order of the regimental commander without the cause of transfer being stated. The regimental orders are not on file, and it is impossible to state whether the reenlistment of these transferred men was or was not prohibited; but as the records show that some of the transferred men did reenlist, it is evident that if an order prohibiting their reenlistment was given it was not carried into effect.

In view of the foregoing statement, it will be seen that the action taken in 1860 in the case of Company G, Eighth Infantry, is not a precedent for the action taken in 1906 in the case of members of the Twenty-fifth Infantry.

Mr. LODGE. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Massachusetts?

Mr. FORAKER. Certainly.

Mr. LODGE. There are two Lee cases.

Mr. FORAKER. Yes; I am aware of that.

Mr. LODGE. The one that the Senator refers to is the Regular Army case.

Mr. FORAKER. Yes.

Mr. LODGE. There are two Lee cases that I cited, and I cited from both Grant and Lee.

Mr. FORAKER. The Senator from Massachusetts cited this identical case, the case of the Eighth Infantry company, happening before the war.

Mr. LODGE. I did, and I cited also a case occurring during the war.

Mr. FORAKER. I am coming to the other case. I can not speak of both at the same time.

Mr. LODGE. I see that.

Mr. FORAKER. I am dealing now with the first citation. The Senator cited it as a precedent for what the President did. The President himself cites it as a precedent, notwithstanding what the Judge-Advocate-General says—that it is not a precedent. Anybody reading it can see it is not a precedent. Why anybody should say it was a precedent, in view of such plain statements and in view of the fact patent on the face of the record that it can not by any possibility be a precedent, I do not know.

Now, the other was a case where in time of war General Lee dismissed a whole regiment because they had shown cowardice in every battle in which they had been engaged.

Now, Mr. President, I do not know what the powers of General Lee were. They were derived from the constitution of the Confederate States. They might have been broader, but whether they were or not is immaterial, in view of the fact that it was a time of war, and it is the rule running as an exception through all cases that where it is necessary to the protection of the army such radical orders and steps as these may be made and taken. That was one of the necessities of war. Will somebody find me a case where one individual has been dismissed in time of peace without honor, in the face of the army regulation giving him a right to trial, and yet denying it to him?

Mr. President, that reminds me of something I ought to have spoken of a moment ago. The President is careful to point out in his message that he discharged these men not as organizations. He did not break up the companies. He discharged each and every one of the members of these companies, in so far as he discharged them, by name—each individual by himself. Each individual by himself being so discharged, each individual by himself had a right, without any question, for that makes it conclusive, placing him right within the terms of it, to the benefit of the one hundred and forty-sixth regulation of the Army, that he should have a board of inquiry, and he should have it without asking for it; that it should be the duty of his superiors to know of his rights, advise him of his rights, and protect him in his rights.



So, too, it is with the other precedents that have been established. They are all in the volunteer service and they are all during a time of war. Take the first here that is cited as a precedent:

The members of Company A, First Eastern Shore Maryland Infantry Volunteers, were mustered out of service August 16, 1862, by order of the general commanding the Eighth Army Corps because they refused to serve in Virginia.

Now, when you run down the facts you find out they were not dishonorably discharged. They were honorably discharged. They said they had been enlisted to serve at home, in Maryland, and not to go away from their homes down into Virginia, to invade the sacred soil of their beloved sister State.

They wanted to stay at home and render their service, and they were told, "If you will not go, we will muster you out." They said, "Very well, muster us out;" and the record shows that they were honorably discharged and that they nearly all enlisted afterwards in other companies.

Here is a New Jersey company. I have a letter about that company, but I will not stop to read it:

The members of Company G, Tenth New Jersey Infantry Volunteers, were discharged without trial April 8, 1862, pursuant to orders from the War Department, because they refused to do duty as infantry, claiming that they were deceived into the belief that they were entering the cavalry branch when they enlisted.

How discharged? Without honor? No; honorably discharged. They were enlisted as cavalrymen and brought down to Washington.

Mr. KEAN. And every one of them reenlisted and served during the war.

Mr. FORAKER. I was not familiar with that fact. I thank the Senator from New Jersey for making me acquainted with it. They said: "We enlisted as cavalry; we will not go into this infantry regiment. We did not come here to serve in that capacity." They were told: "Very well; we will muster you out." And they were mustered out, and then, as the Senator from New Jersey has said, every one of them probably enlisted in some other company and served through to the end of the war.

Now I come to the Sixtieth Ohio, and I am going to make a few remarks about that. Mr. President, will somebody tell me why the Sixtieth Ohio was cited as a precedent for what was done in the Brownsville case? No; nobody will tell me, but I know, and every Senator here knows, why it was cited. Now, I will show the injustice done to as brave and gallant a regiment as ever wore the uniform or carried arms in defense of the national flag. Since that matter came up here in the Senate I have been flooded with letters from surviving members of that regiment. They have come to me not only from those residing in Ohio, but from all directions. I have one here, which I will first read. It comes from Caldwell, Kans. I read it because it is from a lawyer who knows how to state the facts, and who has stated them in a logical, intelligent way. He says:

CALDWELL, KANS., Christmas, 1906.

Hon. J. B. FORAKER,  
United States Senate, Washington, D. C.

DEAR SIR: I see by the papers you are having some issue with the President in regard to the discharge of the Sixtieth Ohio Volunteer Infantry.

You will remember me. I was born in the same county with you—Highland—and I was a member of Company B, Sixtieth Ohio Volunteer Infantry. This regiment was organized by Col. William H. Trimble in the fall of 1861, and also allow me to say, by way of parenthesis, a braver man never sat astride a horse.

Now, as to its organization, in no place in the records of this regiment can you find, in my opinion, anything to show that it was ever mustered into the United States service.

I wrote him in regard to that, telling him I understood that the record did show that they had been mustered in, and in answer he wrote me a letter from which I quote what he said on that point, as follows:

I know the records show at Columbus that we were mustered in the United States service on the 25th day of February, 1862, by Captain Dodd, but none of us ever knew of it, not even our company officers, as all of our discharges (mine the same) read we were discharged by reason of expiration of term of service. Some years after that in conversation with an officer of that regiment he informed me he had understood that Captain Dodd had come there at that time and had consulted the field officers, and they all expressed the opinion it would create a furore to muster the regiment at that time, and he just simply signed the muster rolls privately and went away.

I do not know what the facts are about that. It was a very unusual transaction, if it occurred; but the explanation for it is furnished in the fact that those men were enlisted, as I will now proceed to show by reading from this letter, during the fall of 1861, in Highland County and adjacent counties in the State of Ohio, that they were sworn into the service, taken into camp, put under discipline, and every man of them supposed that then his enlistment had already commenced, and he dated the beginning of his service from the time he put on the uniform and became a soldier. But now I will read what he says:

The men of the different companies were enlisted by recruiting officers, clothed only with authority to receive recruits and organize a company.

The men were enlisted and sworn in by these recruiting officers. This regiment was enlisted for one year. There was some question as to when our time would expire, owing to the different dates at which enlistments were made. I, for instance, enlisted in October, 1861.

The regiment went into camp shortly after that near Hillsboro, and remained there until about the 1st of February, when it was sent to Gallipolis, where it remained until the following May, when we joined Fremont at New Creek, Va. We followed him in his Virginia campaign in West Virginia, and crossed the mountains with him and fought Jackson at Cottontown, Strasburg, Cross Keys, Harrisonburg, and Port Republic. We then moved down the valley gradually until in July, when we went into camp at Winchester.

When Lee went into Maryland in 1862 to fight the battles of South Mountain and Antietam, we evacuated Winchester and went to Harpers Ferry, where at the time of the battles mentioned the Confederates pounced upon us with overpowering force, with the result that our entire force was surrendered by Col. D. S. Miles, who was in command.

He was a Regular Army officer.

At no time in all these engagements did our regiment ever show a white feather, while on the other hand the One hundred and twenty-sixth New York, which was an important part of the force assigned to hold Maryland Heights, the key of our position, became panic-stricken and broke and ran from their place in line, with the result that after four days of defense we were surrendered, but at once paroled upon condition that "we were not to bear arms against the Confederate States of America, nor do any garrison, guard, or constabulary duty," as nearly as I can remember the language, "until exchanged."

I have examined the record, and his language is almost absolutely accurate.

We were sent to Camp Douglas, at Chicago. General Tyler was in command. He had there a lot of Confederate prisoners, and one of the first things required of us was to take guns and stand guard over these prisoners.

This we regarded as a violation of our paroles, and for that reason refused to obey the order. The trouble at once commenced. All the Harpers Ferry troops were in the same situation—the New York regiments, the Ninth Vermont, and the Thirty-second Ohio and other commands, as well as the Sixtieth Ohio.

One thing seemed to lead to another, but so far as I can recall, no one of the regiments was any worse than the others. All were compelled, on account of the conditions of their parole, to be kept without arms and in idleness.

The Sixtieth Ohio had the additional grievance growing out of the fact that the terms of most of the men had expired, as they claimed. They naturally did not want to be kept there under discipline when they knew, as everybody knew, they could not be again sent to the field.

They were no more disorganized than any other regiments, and they were no more mutinous or insubordinate, and so far as being worthless is concerned, they were worthless in no other sense than that their times were out and that there was nothing they could do or be allowed to do. They were finally discharged, but they were honorably discharged, and I never before heard that anybody claimed that there was anything discreditable in their record. As soon as they were exchanged many of them reenlisted and all were good soldiers to the end.

I send you this as the testimony of one who was a member of the regiment and who participated in all that experience. I send it not alone on account of the survivors, but also and more particularly on account of the dead comrades of that splendid regiment.

Inasmuch as I have not met you for many years, I refer you to Senator LONG and the Hon. VICTOR MURDOCK—

The Member of Congress from his district—

who are both personal friends.

Very truly, yours, etc.

C. C. RIDINGS.

I remember him very well—a man of most excellent family. I did not know he was still living, but this attack on the honor of his regiment brought him to my attention in that way.

I have another letter here which I want to read. First, however, I have here a discharge that one of the members of that regiment sent me. I want that to go into the RECORD as I read it:

To all whom it may concern:

Know ye that Zebulun Ford, a private of Captain George B. Gardner's company, Sixtieth Regiment of Ohio Volunteer Infantry, who was enrolled on the 16th day of November, 1861, to serve one year, is hereby discharged from the service of the United States this 10th day of November, 1862, at Chicago, Ill., by reason of regiment being honorably mustered out of service.

No objection to his reenlistment is known to exist.

Said Zebulun Ford was born in Pickaway County, in the State of Ohio, is 21 years of age, 5 feet 8 inches high, fair complexion, blue eyes, brown hair, and by occupation when enrolled a farmer.

Given at Chicago, Ill., this 10th day of November, 1862.

GEO. B. GARDNER,

Captain Company C,

Sixtieth Regiment Ohio Volunteer Infantry.

I have here one more letter. It is a letter sent me by a survivor of the Thirty-second Ohio. In the battle at Harpers Ferry there were not only the Sixtieth Ohio, but also the Thirty-second Ohio and the Eighty-seventh Ohio—three Ohio regiments. While there were three Ohio regiments, there were also six New York regiments, all surrendered together. One of them, as I read a moment ago, was unfortunate enough to become panic stricken and to run. I do not mention that to the discredit of the regiment, but only because I am compelled to resort to history and take it as I find it. The regiment, I am happy to say, made afterwards a splendid record. It became one of the best regiments in the Union Army. There was nothing remarkable in the fact that, being suddenly attacked, as they were, by Stonewall Jackson's veterans in that the first

battle in which they were engaged, they should have had the misfortune to make such a record as they did. I have here a history of the civil war, in which it is stated that they did misbehave, to the great chagrin and mortification of all the other New York regiments. But the unfortunate thing about it was that they happened, with their comrade regiments, to be holding the key to Harpers Ferry—Maryland Heights—and when they broke and fled the enemy swept through the space thus made and in a moment were in possession of the command of that position, and surrender necessarily followed. It was not the fault of the Sixtieth Ohio, not the fault of any Ohio regiment; perhaps not in a way to be criticised for it the fault of this regiment. It might have been the fault of the officers.

Now, I have the following letter from a survivor of the Thirty-second Ohio. I have here also the history from which he quotes, but I will read his letter. He says:

VAN WERT, OHIO, December 26, 1906.

HON. J. B. FORAKER,  
Senator, Washington, D. C.

DEAR SIR: I see from correspondence introduced as evidence that the Sixtieth Regiment Ohio Infantry was discharged because it had become disorganized and mutinous while at Camp Douglas as paroled prisoners. This was a one-year regiment, whose term of service had expired, and when we take that into account, the bad treatment received at the hands of the Government in sending them out of their own State to a camp in another State, where they were treated more like malefactors than paroled prisoners, they were not so much to be blamed or censured as were the regiments who had two years or more yet to serve. The Thirty-second Regiment Ohio Infantry—of which I was a member—was among that batch of Harpers Ferry prisoners taken to Camp Douglas. I will now quote from the regimental history, which gives some of its experiences and happenings while there:

"There was much disappointment expressed by the regiment in being hurried through the State to a camp in another State. The fact is, those who directed this arrangement made a mistake. The Thirty-second should have been sent to a camp in its own State, promptly paid the money due them, and paroled until exchanged. This would have given satisfaction and would have been appreciated by the entire regiment. Instead, they were placed in Camp Douglas and strictly guarded, all privileges curtailed, and although they had been informed they would be promptly paid on reaching Camp Douglas, yet all pay was withheld and in every respect the service at Camp Douglas was much more disagreeable than at the front. They were ordered to do camp guard duty. The officers made the details and under command of their respective orderlies they reported at guard mount; but when other officers attempted to force arms into their hands they refused, and giving the guns a toss stood them butts up, the bayonet buried in the ground. The authorities ordered them to confine themselves to their quarters, but they came and went at will. The regulars were ordered out, the regiment formed line, armed with brickbats—

The Thirty-second Ohio armed with brickbats! This is not the Sixtieth Ohio. I want simply to show what other regiments did—

"The regulars were ordered to load with ball, and they did so, the officer commanding the regulars ordering the Thirty-second to their quarters, but they did not move. The condition was critical and a collision seemed imminent. At this moment a shout was heard, and looking to the westward the head of a column of troops was seen coming down on the flank of the regulars on double quick. It was the Thirty-ninth New York. That regiment had heard of the situation in the camp of the Thirty-second and determined to take a hand with their old comrades in suppressing the regulars—

The Thirty-ninth New York was captured at Harpers Ferry along with the Thirty-second Ohio and the Sixtieth Ohio—

"The latter, seeing that intimidation and force were alike impracticable, retreated in good order, followed by the jeers and groans of the Thirty-second Ohio and the Thirty-ninth New York."

Then he goes on and describes how later they were exchanged. The regiment was then called back to the front and reorganized; and from that time on to the end no regiment in the service made a better record than the Thirty-second Ohio. The Thirty-ninth New York made a like good record, and so did every other regiment that was captured on that unfortunate occasion.

But, Mr. President, the point to which I want to call attention is that the complaint of General Tyler shows on its face, according to the letter caused to be published by the War Department, that the complaint of these men was that it would be a violation of their paroles to require them to do this duty, and that their time was out, more than one year having expired since they were enlisted. In that same letter General Tyler says General Halleck was of the opinion that the men were right about their contention, and he was of the opinion that their time was out, at least nine-tenths of them.

How were they discharged? I have read one of the discharges. I might read many more. I might cite much other evidence. They were discharged, Mr. President, honorably. The regiment was mustered out because it had reached the end of its service, and no man in that regiment ever heard that there was such a complaint against their record until it was sent here to this body in an official communication signed by the President of the United States.

I felt that it was my duty—and I therefore make no apology for taking the time of the Senate on that account—to set forth as an act of justice to these men, most of whom at least I well knew, the record that they actually made.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. FORAKER. Certainly.

Mr. TILLMAN. Mr. President, I was forced to be absent when the Senator from Ohio made his speech on this subject before the holidays. Perhaps he has already indicated, but I did not understand him a moment ago, as to how it is that every Senator here knows why this regiment was picked out to be pilloried, as it has been, before the country as a lot of cowards or something else who deserved dishonorable discharges. I would be glad if the Senator would inform us what was the matter, what was the motive, what was the animus of it?

Mr. FORAKER. Mr. President, I am not obliged to tell the Senator everything I know, especially when I know that the Senator knows. [Laughter.]

Mr. TILLMAN. If the Senator from South Carolina knew he certainly would not ask the question. It is not a mere play of words. The Senator owes it to the country, which is possibly not as well informed as Senators are, to let it know why this regiment has been disgraced, as it were, when it did not deserve it.

Mr. FORAKER. It is such a delightful experience to keep something back that I think I will disappoint the Senator tonight. [Laughter.]

I might speak at much greater length—

Mr. TILLMAN. I again appeal to the Senator if he will not tell us what his opinion on the subject is.

Mr. FORAKER. It is very late now, and I do not want to detain the Senate any longer.

Mr. TILLMAN. Will the Senator answer this question: I have been informed since I rose that the Senator himself was a member of this regiment at some time.

Mr. FORAKER. No; the Senator is mistaken about that. No wonder somebody got that impression, because some of the newspapers published that statement. I said when calling attention to this regiment on a previous occasion that I knew the regiment well; that I had tried to enlist in it in 1861, but they would not accept me. I was only 15 years of age at that time, so I had to stay at home another year. In 1862 I enlisted in the Eighty-ninth Ohio, the only regiment in which I ever served. I served in that from 1862 until the end of the war.

Mr. TILLMAN. Then the Senator never did belong to the Sixtieth Ohio?

Mr. FORAKER. I never belonged to the Sixtieth Ohio, but if I had belonged to it I would be as proud of it as these men are, and I would as indignantly resent any attempt to smirch their splendid records.

Mr. TILLMAN. After that I have nothing more to say, except that possibly somebody in the War Department may have thought the Senator did get in the regiment, and that was the reason why they brought it out. [Laughter.]

Mr. FORAKER. I do not know that anybody in the War Department thought of that, but it is possible that somebody in the War Department, or some other place, remembered that the Senator from Ohio lived in Ohio at that time. [Laughter.]

Mr. President, it is getting late, and Senators are asking me to forbear any further discussion this evening. I think, without concluding, I will stop at this point, with notice to the Senate that I may resume my remarks briefly to-morrow morning. I am almost through, if not entirely; but I want to look over what material I have, and perhaps I may put something more in the Record.

Mr. WARREN. I ask to have printed in the Record the papers which I send to the desk. They are the regular official blanks of enlistment and of discharge of enlisted men under the various conditions.

The VICE-PRESIDENT. Without objection, it will be so ordered.

The papers referred to are as follows:

[Form No. 22, M. S. O., 1904.]

THE UNITED STATES OF AMERICA.

STATE OF ———, City or town of ———, ss:

I, ——— years and ——— months, born in ———, in the State of ———, aged ——— years and ——— months, and by occupation a ———, do hereby acknowledge to have voluntarily ——— enlisted this ——— day of ———, 190—, as a soldier in the Army of the United States of America, for the period of three years unless sooner discharged by proper authority: And do also agree to accept from the United States such bounty, pay, rations, and clothing as are or may be established by law. And I do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America, and that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the Rules and Articles of War.

(\* See note.)

————— [SEAL.]



Subscribed and duly sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
A. D. 190\_\_\_\_.

\_\_\_\_\_, Recruiting Officer.

I certify that I have carefully examined the above-named man agreeably to the General Regulations of the Army, and that, in my opinion, he is free from all bodily defects and mental infirmity which would, in any way, disqualify him from performing the duties of a soldier.

\_\_\_\_\_, Examining Officer.

I certify that I have minutely inspected the above-named man, \_\_\_\_\_, previous to his \_\_\_\_\_ enlistment, and that he was entirely sober when enlisted; that to the best of my judgment and belief, he fulfills all legal requirements, and that I have accepted and enlisted him into the service of the United States under this contract of enlistment as duly qualified to perform the duties of an able-bodied soldier, and, in doing so, have strictly observed the regulations which govern the recruiting service. This soldier has \_\_\_\_\_ eyes, \_\_\_\_\_ hair, \_\_\_\_\_ complexion, is \_\_\_\_\_ feet \_\_\_\_\_ inches high.

[SEAL]

\_\_\_\_\_, Recruiting Officer.

\* NOTE.—The correct name of the recruit will be ascertained, and great care will be exercised in order that it may be correctly written and signed. The Christian name must not be abbreviated, but if it consists of more than one name, only the first will be written and signed in full.

NOTE.—Indelible or permanent marks found upon the person of a recruit will be here noted. [On side of paper.]

#### DECLARATION OF RECRUIT.

I, \_\_\_\_\_, desiring to enlist in the Army of the United States for the term of three years, do declare that I have neither wife nor child; that I am of the legal age to enlist, and believe myself to be physically qualified to perform the duties of an able-bodied soldier, and I do further declare that I am of good habits and character in all respects, and have never been discharged from the United States service (Army or Navy) or any other service on account of disability, or through sentence of either civil or military court, nor discharged from any service, civil or military, except with good character, and for the reasons given by me to the recruiting officer prior to this enlistment.

Given at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_.

Witness: \_\_\_\_\_

Residence of soldier: \_\_\_\_\_

Name and address of person to be notified in case of emergency, giving degree of relationship; if friend, so state: \_\_\_\_\_

\* Here add in case of an applicant for first enlistment: And that I am (or have made legal declaration of my intention to become) a citizen of the United States.

#### CONSENT IN CASE OF MINOR.

(See A. R. 859.)

I, \_\_\_\_\_, do certify that I am in the \_\_\_\_\_ of \_\_\_\_\_; that the said \_\_\_\_\_ is \_\_\_\_\_ years of age, and I do hereby freely give my consent to his enlisting as a soldier in the Army of the United States for the period of three years.

Given at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_.

Witness: \_\_\_\_\_

\_\_\_\_\_, enlisted at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 190\_\_\_\_, by \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_enlistment; last served in \_\_\_\_\_. Discharged \_\_\_\_\_, 190\_\_\_\_.

#### DIRECTIONS.

One enlistment paper only will be made in the case of a soldier enlisted or reenlisted for the line of the Army. It will be forwarded to The Military Secretary of the Army, with the recruiting officer's trimonthly report. The recruiting officer will indorse on the enlistment paper of every general service recruit (in red ink, at top of second fold) the arm of service for which the soldier was enlisted; i. e., either foot service, white; mounted service, white; foot service, colored, or mounted service, colored—adding the more definite designation, "infantry," "coast artillery," "engineers," "cavalry" or "field artillery," as the case may be.

Enlistment papers of soldiers of a staff department will be executed and disposed of in accordance with the regulations governing enlistments for the particular staff department concerned.

In cases of reenlistment, i. e., within three months from date of last discharge from the Army, the declaration of recruit will not be filled in, but it will be stated on the margin whether the soldier is single or married and the number of children, if any. The name and address of person to be notified in case of emergency will also be given. The prefix "re" will be added to the word "enlisted" where it occurs.

Assigned to \_\_\_\_\_ of \_\_\_\_\_, U. S. A.

[Form No. 203, M. S. O., July 21, 1905.]

ARMY OF THE UNITED STATES.

To all whom it may concern:

Know ye that \_\_\_\_\_, a \_\_\_\_\_ of \_\_\_\_\_ of the \_\_\_\_\_ Regiment of \_\_\_\_\_, who was enlisted at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_, to serve \_\_\_\_\_ years, is hereby honorably discharged from the Army of the United States by reason of \_\_\_\_\_.

Said \_\_\_\_\_ was born in \_\_\_\_\_, in the State of \_\_\_\_\_, and when enlisted was \_\_\_\_\_ years of age, by occupation a \_\_\_\_\_, had \_\_\_\_\_ eyes, \_\_\_\_\_ hair, \_\_\_\_\_ complexion, and was \_\_\_\_\_ feet \_\_\_\_\_ inches in height.

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_.

\_\_\_\_\_, Commanding.

#### CHARACTER.

No objection to his reenlistment is known to exist.

#### MILITARY RECORD.

Continuous service at date of discharge: \_\_\_\_\_ years \_\_\_\_\_ months \_\_\_\_\_ days. Previous service: \_\_\_\_\_ Noncommissioned officer: \_\_\_\_\_ Marksmanship: \_\_\_\_\_ Horsemanship: \_\_\_\_\_ Battles, engagements, skirmishes, expeditions: \_\_\_\_\_.

Wounds received in service: \_\_\_\_\_. Physical condition when discharged: \_\_\_\_\_. Married or single: \_\_\_\_\_. Remarks: \_\_\_\_\_.

\_\_\_\_\_, Commanding.

[Form No. 19, M. S. O., 1904.]

ARMY OF THE UNITED STATES.

To all whom it may concern:

Know ye that \_\_\_\_\_, a \_\_\_\_\_ of \_\_\_\_\_ of the \_\_\_\_\_ Regiment of \_\_\_\_\_, who was enlisted the \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_, to serve \_\_\_\_\_ years, is hereby dishonorably discharged from the Army of the United States in consequence of \_\_\_\_\_.

Said \_\_\_\_\_ was born in \_\_\_\_\_, in the State of \_\_\_\_\_, and when enlisted was \_\_\_\_\_ years of age, by occupation a \_\_\_\_\_, had \_\_\_\_\_ eyes, \_\_\_\_\_ hair, \_\_\_\_\_ complexion, and was \_\_\_\_\_ feet \_\_\_\_\_ inches in height.

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_.

\_\_\_\_\_, Commanding.

[Form No. 20, M. S. O., 1904.]

ARMY OF THE UNITED STATES.

To all whom it may concern:

Know ye that \_\_\_\_\_, a \_\_\_\_\_ of \_\_\_\_\_ of the \_\_\_\_\_ Regiment of \_\_\_\_\_, who was enlisted the \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_, to serve \_\_\_\_\_ years, is hereby dishonorably discharged from the Army of the United States in consequence of the sentence of a general court-martial.

Said \_\_\_\_\_ was born in \_\_\_\_\_, in the State of \_\_\_\_\_, and when enlisted was \_\_\_\_\_ years of age, by occupation a \_\_\_\_\_, had \_\_\_\_\_ eyes, \_\_\_\_\_ hair, \_\_\_\_\_ complexion, and was \_\_\_\_\_ feet \_\_\_\_\_ inches in height.

Given under my hand at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, one thousand nine hundred and \_\_\_\_\_.

\_\_\_\_\_, Commanding.

J. G. WHITE & CO. (INCORPORATED).

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on August 1, 1906, granting to J. G. White & Co. (Incorporated) the right to build and operate a line of railway between the towns of Rio Piedras and Caguas, in the island of Porto Rico.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 7, 1907.

#### ANNUAL REPORT OF PANAMA RAILROAD COMPANY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Inter-oceanic Canals, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the information of the Congress the fifty-seventh annual report of the board of directors of the Panama Railroad Company for the year ending June 30, 1906.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 7, 1907.

#### ELECTRIC STREET RAILWAY IN PONCE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico, and ordered to be printed:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on August 13, 1906, amending a franchise granting to W. S. H. Lothrop, his heirs, successors, and assigns, the right to construct and operate an electric street railway in certain streets in the city of Ponce and between the city of Ponce and the playa thereof.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 7, 1907.

#### TWO HUNDRETH ANNIVERSARY OF BIRTH OF BENJAMIN FRANKLIN.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State concerning the presentation to the French Government of the impression on gold of the medal which, in pursuance of the act approved April 27, 1904, was struck to commemorate the two-hundredth anniversary of the birth of Benjamin Franklin.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 7, 1907.

## EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 8, 1907, at 12 o'clock meridian.

## NOMINATIONS.

*Executive nominations received by the Senate January 7, 1907.*

## SURVEYOR OF CUSTOMS.

Thomas C. Elliott, of Illinois, to be surveyor of customs for the port of Cairo, in the State of Illinois. (Reappointment.)

## COLLECTORS OF CUSTOMS.

Herbert D. Philbrick, of Maine, to be collector of customs for the district of York, in the State of Maine, in place of George E. Marshall, deceased.

William H. Daniels, of New York, to be collector of customs for the district of Oswegatchie, in the State of New York. (Reappointment.)

## PROMOTIONS IN THE ARMY—INFANTRY ARM.

Lieut. Col. Charles L. Hodges, Twenty-third Infantry, to be colonel from January 1, 1907, vice Borden, Twenty-fourth Infantry, retired from active service.

Maj. Edwin F. Glenn, Fifth Infantry, to be lieutenant-colonel from January 1, 1907, vice Hodges, Twenty-third Infantry, promoted.

Capt. Zebulon B. Vance, Eleventh Infantry, to be major from January 1, 1907, vice Glenn, Fifth Infantry, promoted.

*To be captains.*

First Lieut. Josiah C. Minus, Tenth Infantry, from October 6, 1906, vice Johnston, Sixteenth Infantry, promoted.

First Lieut. Charles M. Bundel, Twenty-fifth Infantry, from October 20, 1906, vice George, Sixteenth Infantry, retired from active service.

First Lieut. Laurence Halstead, Thirteenth Infantry, from October 20, 1906, vice Atkinson, Sixth Infantry, promoted.

First Lieut. Frederick W. Van Dwyne, Fourth Infantry, from October 31, 1906, vice Beall, Third Infantry, promoted.

First Lieut. Charles D. Herron, Eighteenth Infantry, from November 2, 1906, vice Lyon, Seventeenth Infantry, detailed as paymaster.

First Lieut. James Hanson, Fourteenth Infantry, from December 2, 1906, vice Nichols, Third Infantry, promoted.

First Lieut. Fred R. Brown, Ninth Infantry, from December 4, 1906, vice Wilkinson, Fourth Infantry, resigned.

First Lieut. William T. Merry, Twenty-third Infantry, from December 15, 1906, vice Nuttman, Ninth Infantry, detailed as commissary.

## PROMOTIONS IN THE NAVY.

Commander Rogers H. Galt to be a captain in the Navy from the 11th day of December, 1906, vice Capt. Franklin J. Drake, retired.

Lieut. Luke McNamee to be a lieutenant-commander in the Navy from the 12th day of June, 1906, vice Lieut. Commander George E. Burd, promoted.

Lieut. Charles J. Lang to be a lieutenant-commander in the Navy from the 25th day of December, 1906, vice Lieut. Commander John H. Gibbons, promoted.

Lieut. Martin E. Trench to be a lieutenant-commander in the Navy from the 1st day of January, 1907, to fill a vacancy created in that grade by the act of Congress approved March 3, 1903.

The following-named citizens to be assistant surgeons in the Navy from the 20th day of December, 1906, to fill vacancies existing in that grade on that date:

Renier J. Straeten, a citizen of South Dakota, and James T. Dubigg, a citizen of Iowa.

Sailmaker Charles E. Tallman, United States Navy, retired, to be a chief sailmaker on the retired list of the Navy, to rank with, but after, ensign from the 29th day of June, 1906, in accordance with a provision contained in the naval appropriation act approved on that date.

## REGISTER OF LAND OFFICE.

David J. Girard, of Eureka, Cal., to be register of the land office at Eureka, Cal., vice Charles B. Frost, resigned.

## POSTMASTERS.

## CALIFORNIA.

Philo Handy to be postmaster at Ukiah, in the county of Mendocino and State of California, in place of Philo Handy. Incumbent's commission expired December 10, 1906.

## ILLINOIS.

Clarence F. Buck to be postmaster at Monmouth, in the county of Warren and State of Illinois, in place of Clarence F. Buck. Incumbent's commission expires February 9, 1907.

Abraham L. Coyle to be postmaster at Gridley, in the county of McLean and State of Illinois, in place of Abraham L. Coyle. Incumbent's commission expires January 23, 1907.

Thomas M. Crossman to be postmaster at Edwardsville, in the county of Madison and State of Illinois, in place of Thomas M. Crossman. Incumbent's commission expired December 20, 1906.

## IOWA.

Asahel B. Chrysler to be postmaster at Lake Park, in the county of Dickinson and State of Iowa, in place of Asahel B. Chrysler. Incumbent's commission expires January 7, 1907.

Simon J. Mak to be postmaster at Inwood, in the county of Lyon and State of Iowa, in place of Simon J. Mak. Incumbent's commission expires January 7, 1907.

John Meyer to be postmaster at Alton, in the county of Sioux and State of Iowa, in place of John Meyer. Incumbent's commission expires January 14, 1907.

## MARYLAND.

James C. Peddicord to be postmaster at Oakland, in the county of Garrett and State of Maryland, in place of John M. Jarboe. Incumbent's commission expired December 20, 1906.

## MINNESOTA.

William J. Cowling to be postmaster at Ely, in the county of St. Louis and State of Minnesota, in place of William J. Cowling. Incumbent's commission expires January 23, 1907.

William Gallagher to be postmaster at Carlton, in the county of Carlton and State of Minnesota, in place of William Gallagher. Incumbent's commission expires January 23, 1907.

## NEW YORK.

Sidney B. Cloyes to be postmaster at Earlville, in the county of Madison and State of New York, in place of Sidney B. Cloyes. Incumbent's commission expires January 7, 1907.

Millard D. McNeil to be postmaster at Oxford, in the county of Chenango and State of New York, in place of Millard D. McNeil. Incumbent's commission expired December 20, 1906.

Winfield S. Vandewater to be postmaster at Cedarhurst, in the county of Nassau and State of New York, in place of Winfield S. Vandewater. Incumbent's commission expired December 9, 1906.

Lucius A. Waldo to be postmaster at Canisteo, in the county of Steuben and State of New York, in place of Lucius A. Waldo. Incumbent's commission expires January 7, 1907.

## PENNSYLVANIA.

Benjamin F. Hevener to be postmaster at Ardmore, in the county of Montgomery and State of Pennsylvania, in place of George H. Reitenbaugh, removed.

## SOUTH CAROLINA.

Dudley P. McLaurin to be postmaster at Clio, in the county of Marlboro and State of South Carolina. Office became Presidential January 1, 1907.

## VERMONT.

James E. Pollard to be postmaster at Chester, in the county of Windsor and State of Vermont, in place of James E. Pollard. Incumbent's commission expires January 14, 1907.

## WASHINGTON.

John M. Benedict to be postmaster at Centralia, in the county of Lewis and State of Washington, in place of John M. Benedict. Incumbent's commission expired June 27, 1906.

## WEST VIRGINIA.

Frank S. Smith to be postmaster at Parkersburg, in the county of Wood and State of West Virginia, in place of Gordon B. Gibbons. Incumbent's commission expired March 8, 1906.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 7, 1907.*

## COLLECTOR OF CUSTOMS.

Russell H. Dunn, of Texas, to be collector of customs for the district of Sabine, in the State of Texas.

## PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Third Lieut. James Albert Alger to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from July 8, 1906.

Third Lieut. Frank Lynn Austin to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from July 10, 1906.

Third Lieut. Le Roy Reinburg to be a second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from November 12, 1906.

Third Lieut. Howard Eugene Rideout to be a second lieutenant



ant in the Revenue-Cutter Service of the United States, to rank as such from September 15, 1906.

POSTMASTERS.  
MASSACHUSETTS.

Fred A. Tower to be postmaster at Concord, in the county of Middlesex and State of Massachusetts.

Frederick E. Pierce to be postmaster at Greenfield, in the county of Franklin and State of Massachusetts.

Carl Wurtzbach to be postmaster at Lee, in the county of Berkshire and State of Massachusetts.

James O. Hodges to be postmaster at Mansfield, in the county of Bristol and State of Massachusetts.

John Huxtable to be postmaster at Wareham, in the county of Plymouth and State of Massachusetts.

NEBRASKA.

Valentine Zink to be postmaster at Sterling, in the county of Johnson and State of Nebraska.

NEW HAMPSHIRE.

Clarence N. Garvin to be postmaster at West Derry, in the county of Rockingham and State of New Hampshire.

Thomas B. Moore to be postmaster at Lincoln, in the county of Grafton and State of New Hampshire.

NEW YORK.

David A. Doyle to be postmaster at Katonah, in the county of Westchester and State of New York.

PENNSYLVANIA.

J. Wersler Thomson, to be postmaster at Phoenixville, in the county of Chester and State of Pennsylvania.

Isaac T. Klingensmith to be postmaster at Leechburg, in the county of Armstrong and State of Pennsylvania.

William J. Boggs to be postmaster at Ford City, in the county of Armstrong and State of Pennsylvania.

WEST VIRGINIA.

Frank S. Smith to be postmaster at Parkersburg, in the State of West Virginia.

## HOUSE OF REPRESENTATIVES.

MONDAY, January 7, 1907.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Friday, January 4, 1907, was read and approved.

### COMMITTEE APPOINTMENT.

The SPEAKER. The Chair announces the following committee appointment, which the Clerk will report.

The Clerk read as follows:

Representative WASHBURN of Massachusetts, a member of the Committee on Revision of the Laws.

### ARMY APPROPRIATION BILL.

Mr. HULL. Mr. Speaker, by direction of the Committee on Military Affairs I submit a bill and report making appropriations for the Army for the fiscal year ending June 30, 1908, and ask that it be printed and referred to the Committee of the Whole House on the state of the Union.

The SPEAKER. The gentleman from Iowa, from the Committee on Military Affairs, reports the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908.

Mr. WILLIAMS. Mr. Speaker, if points of order have not been reserved, I desire now to reserve all points of order.

The SPEAKER. The gentleman from Mississippi reserves all points of order.

Mr. HULL. Mr. Speaker, I desire to give notice that I will call up this bill to-morrow for consideration.

The SPEAKER. The bill and report are referred to the Committee of the Whole House on the state of the Union, and ordered to be printed.

### REVISION OF LAWS.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask for the suspension of the rules for the present consideration of the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Ordered, That the bill (H. R. 17984) to revise the laws when reported shall have the privilege belonging to bills reported from committees having leave to report at any time.

The SPEAKER. Is a second demanded?

Mr. WILLIAMS. Mr. Speaker, I would like to ask the gentleman a question to understand his bill.

Mr. PAYNE. Mr. Speaker, I think we may as well have a second, and I demand a second and ask unanimous consent that a second may be considered as ordered.

Mr. WILLIAMS. This question is preparatory as to whether I would demand a second.

Mr. PAYNE. Mr. Speaker, I think we had better proceed in regular order, and then the gentleman can ask his question.

Mr. WILLIAMS. Mr. Speaker, reserving the right to object, I ask the gentleman to explain what the bill is.

Mr. PAYNE. Let us get unanimous consent for a second; it is a motion to suspend the rules.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Does the gentleman from Mississippi [Mr. WILLIAMS] demand a second?

Mr. WILLIAMS. Yes.

Mr. MOON of Pennsylvania. Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

Mr. WILLIAMS. Reserving the right to object—

The SPEAKER. The gentleman can proceed by unanimous consent, reserving his right.

Mr. WILLIAMS. I understood the Chair to say the gentleman from Pennsylvania [Mr. Moon] had asked unanimous consent.

The SPEAKER. Precisely. Now, the only question before the House is, Shall a second be ordered? This is a motion to suspend the rules.

Mr. WILLIAMS. I understand.

Mr. MOON of Pennsylvania. This is a bill for the revision of the laws, House bill 17984—

Mr. WILLIAMS. I have no objection to the second being considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania [Mr. Moon] is entitled to twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] to twenty minutes.

Mr. WILLIAMS. Mr. Speaker, I would like to have the twenty minutes extended to me given to the gentleman from Kentucky [Mr. SHERLEY].

Mr. MOON of Pennsylvania. Mr. Speaker, just a brief word of explanation as to the reason for this resolution. The House will remember that at the last session of Congress this committee reported to this House this bill for the revision of the laws, including or embracing the criminal title only. Time was not found for the consideration of the bill at that session and a joint committee on the 19th day of June was appointed of five Senators and five Members of the House, which committee has been sitting during the recess of Congress. They came down here during the middle of November and have been sitting almost continuously ever since. There was considerable new work necessary to be done. It was found necessary to carry into the bill then reported all of the legislation of the last session of Congress, and some differences of opinion between the Senate committee and the House committee developed as to the form of legislation and as to the recommendations that were to be urged upon the House, and the present bill is the result of the action of that joint committee. Our object in asking this bill to be put upon the Calendar so that it may be called up for consideration, as provided in this resolution, is the recognized urgent necessity felt by the country for this codification and revision and which on account of its magnitude and of its importance and the length of time necessary for its consideration in committee has not been able to obtain such a position on the Calendar to obtain for it consideration at the present session without a resolution of this kind.

I do not desire to say anything more about the subject unless some gentleman desires information upon it.

Mr. CRUMPACKER. Let me ask the gentleman what the purpose of the resolution is? There was so much confusion that I did not hear it.

Mr. MOON of Pennsylvania. In order that this bill may have the privileges of bills that are entitled to be reported at any time.

Mr. CRUMPACKER. And that is the only—

Mr. MOON of Pennsylvania. That is the only purport.

Mr. GROSVENOR rose.

The SPEAKER. Does the gentleman from Pennsylvania [Mr. Moon] yield to the gentleman from Ohio [Mr. GROSVENOR]?

Mr. MOON of Pennsylvania. Certainly.

Mr. GROSVENOR. I would like the gentleman from Pennsylvania to state whether or not the Committee on Revision have had time enough to examine the report of this bill or bills, so it

can answer this question: Whether there have entered in the revision, as it came from the Commission, important and material modifications and changes in the statutes of the United States?

Mr. MOON of Pennsylvania. I would say to the gentleman that the bill, as it came from the Commission, did embody very serious and very extended modifications of the existing laws of the United States, but that this committee have rejected nearly all of those recommendations, and that practically the bill as reported, with very few exceptions, does not alter or modify in any respect the existing laws of the United States.

Mr. GROSVENOR. So that the bill as reported now is a revision and not new legislation in the ordinary sense?

Mr. MOON of Pennsylvania. In the ordinary sense that is true. The gentleman will understand that when we are bringing together fragments of legislation, or eliminating obsolete laws, it has been necessary sometimes to alter the language of the bill, and in a few instances some new legislation has been recommended.

Mr. GROSVENOR. The committee can point that out?

Mr. MOON of Pennsylvania. It is clearly pointed out in the bill, such new matter being printed in italics or brackets.

Mr. MANN. Will the gentleman yield for a question?

Mr. MOON of Pennsylvania. Certainly.

Mr. MANN. The gentleman refers to "the bill." Does the resolution refer to the bill?

Mr. MOON of Pennsylvania. It refers to this particular bill; yes.

Mr. MANN. I thought it referred to a bill to be reported.

Mr. MOON of Pennsylvania. The bill has not yet been reported.

Mr. MANN. How does the House know you are going to report that bill, or some other bill?

Mr. MOON of Pennsylvania. We have practically reported this bill. It was reported at the last session of Congress and was unable to receive consideration, and has subsequently been before the joint committee of the Senate and the House. All the alterations or amendments made by that committee are indicated in this bill.

Mr. MANN. The Commission on Revision of the Laws have reported final action. They have reported an entire code, which was referred to the committee. Now, how does the House know which portion of this you are going to report?

Mr. MOON of Pennsylvania. I endeavored to explain that question of the gentleman by previously saying that this bill now before this House and referred to in this resolution is that part of the report of the Commission known as the penal code only.

Mr. MANN. So the gentleman only expects, if this resolution goes through, that it shall affect the bill relating to the penal code?

Mr. MOON of Pennsylvania. Only.

Mr. MANN. What did the resolution say on that?

Mr. MOON of Pennsylvania. It refers to House bill 17984, which is a bill relating to the criminal code.

Mr. MANN. As I understand the resolution, it provides for a bill to be reported. This bill the gentleman names has long since been reported, and the resolution does not refer to that fact.

Mr. MOON of Pennsylvania. I have endeavored to explain to the House that this is the bill which is referred to.

Mr. MANN. Will the gentleman yield to me?

Mr. MOON of Pennsylvania. I yield to the gentleman.

Mr. MANN. Mr. Speaker, while I have no objection to the resolution, I think it fair to the Members of the House that they understand what it means. I do not wish the Members of the House hereafter to criticize the Speaker of the House or the Rules Committee or the rules themselves because of the operation of this resolution, which they probably will adopt. The effect of the passage of this resolution will be that there will be no other business transacted in this House between now and the 4th of March except current appropriation bills, because when this resolution goes into effect and that bill comes before the House it will take from now until the 4th of March before it is enacted into law.

Mr. PAYNE. I will ask the gentleman if it is not the fact that on any attempt of the gentleman from Pennsylvania to call up this bill, if he or any other Member of the House can not raise the question of consideration, and the question whether the House will transact other business will depend upon the majority of the House every time?

Mr. MANN. The distinguished gentleman, as always, is correct. It is within the power of the House under the rules at all times, and always has been, to absolutely control the course of legislation in the House. That is the rule periodically; and

if this resolution is adopted it means that no other business will be brought before the House, except the appropriation bills, or bills coming from the committee of the distinguished gentleman from New York, or by unanimous consent. While I do not disapprove the resolution, I do not wish to hear Members on the floor of the House criticize the results of their own action between now and the 4th of March. Let it be understood what the effect is before the resolution is adopted.

Mr. PAYNE. Will the gentleman from Pennsylvania yield a couple of minutes to me?

Mr. MOON of Pennsylvania. I yield a couple of minutes to the gentleman from New York.

Mr. PAYNE. Mr. Speaker, I desire to say that if this resolution passes it simply gives this bill the same privilege as an appropriation bill—that it may be called up at any time, like any bill reported from a committee having the privilege to report at any time. It will not come up before the House unless it is called up by some Member; and whenever any Member of the House seeks to call it up it is competent for any other Member of the House to rise in his place and state that he objects to the consideration of the bill, raising the question of consideration, and then the rules provide that, without debate, the House shall decide by a majority vote whether they will consider the bill or not. So that it does not tie the House up, but leaves it with the majority of the House to say whenever this bill is called up whether they will consider it. And if there is any other bill on the Calendar that a majority of the House desires to consider it can vote against the consideration of this bill, and so go on and consider the business they want to transact. It simply gives the House an opportunity to get at this bill, if there is time, coming from this Commission and this Committee on Revision of the Laws, a policy which was entered upon by Congress some years ago, and a policy which ought to be carried out to the final rejection of the bill or the final passage of the bill. I hope the resolution will pass.

Mr. GAINES of Tennessee. I desire to ask the gentleman from New York a question. Does the gentleman think now as serious a matter as the revision of our laws should be disposed of in a hop, skip, and jump sort of way that this resolution would mean. I am for a revision of the laws.

Mr. PAYNE. Well, I will say that I tried to get this matter up for consideration before the holiday recess, but the committee was not ready. I thought I foresaw what would happen in the future. When we met here last Thursday gentlemen were not ready with their bills and not ready to bring them before the House. That did occur. I went individually to a number of gentlemen having bills on the Calendar, which I understood they were anxious to bring before the House, and none of them were ready. We lost three days of last week.

Mr. MANN. Oh, no; we worked on Friday.

Mr. PAYNE. We had a session Friday, but we worked on a bill which the gentleman from Pennsylvania [Mr. MAHON] says was lost time. We might have devoted three days of last week to this bill if it had been ready. It is ready now. The committee are asking for consideration of the bill. I think we ought to give them the opportunity, so that whenever there is time at the disposal of the House in which this bill can be considered it may be done. This committee have devoted a great deal of time and given a great deal of care to the consideration of this bill, and I expect when they bring it before the House they will be able greatly to lighten the labors of each Member of the House, and that we can get at an intelligent consideration of it without every one of the 386 Members studying all the provisions of the bill. I am told by the gentleman from Pennsylvania [Mr. Moon] that where they have made any change in the existing law it is indicated in italics, so that a Member can take the bill and go through these amendments and decide how he wants to vote. I do not think it will require so much time as the gentleman from Tennessee [Mr. GAINES] thinks it will, but whether it does or not it seems to be the bill that is ready. The chairman of the committee is here pressing it for consideration, and, so far as my vote is concerned, I am willing to give him an opportunity.

Mr. GAINES of Tennessee. Is it vital to the welfare of the people that we shall revise the laws at this session of Congress?

Mr. PAYNE. Oh, I think there are a great many things that we might do or that we might not do without affecting anything vital to the existence of the Republic. We have done a great many things that were not vital to the existence of the Republic.

Mr. WILLIAMS. Does not the gentleman from New York think the time consumed in the consideration of this bill will prevent a Republican House from devoting its attention to worse measures?



Mr. PAYNE. Oh, no; a Republican House will enact all the legislation that is necessary.

Mr. WILLIAMS. There are so many worse things that they might be engaged in.

Mr. SHERLEY. Mr. Speaker, during the last session of Congress the House Committee on Revision of the Laws reported a bill known as H. R. 17984, which purported to be a bill to provide a code of penal laws for the United States. Subsequently, in the closing days of that session, a resolution was passed appointing a joint committee of the House and the Senate to consider the work of the Commission on Revision of the Laws. That joint committee of the House and Senate met fifteen days prior to the meeting of this session of Congress, and has been in session almost continually ever since. They took the work of the House committee, as shown by the bill reported to the House, and modified it in many respects, cutting out of it nearly all of the law that was new and that was not simply a codification of existing law. It is now necessary for that report of the joint committee to be brought into the House, and I therefore ask unanimous consent that the motion made by the gentleman from Pennsylvania [Mr. Moon] be amended so as to read as follows:

*Ordered.* That the bill (H. R. 17984) to provide a code of penal laws for the United States is hereby committed to the Joint Committee on Revision of the Laws, and that the said joint committee have leave to report the said bill at any time, and that the bill shall have the privileges pertaining to bills so reported.

Mr. MOON of Pennsylvania. Mr. Speaker, I accept that amendment to the form of the resolution.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. Is it possible for a joint committee to make a report of a bill to the House or would that be made by the House members of the committee?

The SPEAKER. A joint committee, as the Chair understands it, can report to either House. That is, the section of the committee composed of Members of the House may report to this House, and the section of the committee on the part of the Senate may report to the Senate. The Clerk will report the resolution.

The Clerk read as follows:

*Ordered.* That the bill (H. R. 17984) to provide a code of penal laws for the United States is hereby committed to the Joint Committee on Revision of the Laws, and that the said joint committee have leave to report the said bill at any time, and that the bill have the privileges pertaining to bills so reported.

The SPEAKER. Is there objection to the substitution of this resolution for the resolution offered by the gentleman from Pennsylvania [Mr. Moon]?

Mr. DE ARMOND. I should like to know the difference between the resolutions.

Mr. SHERLEY. The difference is simply this: We reported a bill purporting to provide a criminal code of laws. That was reported by the House committee. Subsequently it was believed that it would facilitate the work if there was a joint committee working on the matter, so that when it was passed by one House the work would not have to all be gone over again in the committee of the other House. There was appointed a joint committee of the House and Senate which took up this bill; they have made sundry amendments to it, stricken out a good deal of new law that had been put into the bill as reported by the House committee. The effect of this resolution will be to permit the joint committee to report back this House bill as amended by that committee, and when so reported that it shall have equal standing with bills from committees having the right to report at any time.

Mr. DE ARMOND. And you ask unanimous consent to substitute this for the resolution offered by the gentleman from Pennsylvania [Mr. Moon]?

Mr. SHERLEY. Yes, because the other resolution was made under a mistake of fact that that bill had not been reported to the House. It had been reported to the House at the last session, and in order for the joint committee to report it is necessary to recommit that bill and permit the joint committee to report it.

Mr. DE ARMOND. And then the question comes upon suspending the rules.

Mr. SHERLEY. The motion made by myself is to substitute this resolution for the one made by the gentleman from Pennsylvania, and I presume, then, that unanimous consent having been declined as to his request, the matter would have the same status as the motion made by the gentleman from Pennsylvania [Mr. Moon].

Mr. DE ARMOND. The purpose is to suspend the rules and pass this resolution.

Mr. SHERLEY. That is the purpose now.

Mr. CLARK of Missouri. Mr. Speaker, who controls the time?

Mr. MOON of Pennsylvania. I control the time on our side and the gentleman from Kentucky [Mr. SHERLEY] on the other.

Mr. CLARK of Missouri. I would like to get two or three minutes myself to ask a question.

Mr. MOON of Pennsylvania. I will yield time to the gentleman.

The SPEAKER. The request now is for unanimous consent to substitute the resolution presented by the gentleman from Kentucky for the resolution that was offered by the gentleman from Pennsylvania.

Mr. DE ARMOND. And if unanimous consent is given, then will the resolution be pending subject to unanimous consent?

The SPEAKER. It will be pending under a motion to suspend the rules. Is there objection to substituting the resolution offered by the gentleman from Kentucky for the resolution offered by the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. SHERLEY. Mr. Speaker, I desire to say only a word or two in regard to this matter. There seems to have been a little misapprehension as to the purpose of this resolution. It is simply to enable the Committee on the Revision of the Laws to bring forward this work for the consideration of the House when the House shall have the time to consider it. It does not mean that this bill is to interfere necessarily with any other matter which the House wishes to take up, and at any time the House may determine whether it will consider the bill or not. The committee has been at work upon this matter for a good many months.

Mr. FINLEY. Will the gentleman yield for a question?

Mr. SHERLEY. Certainly.

Mr. FINLEY. What times does the gentleman think would be reasonably necessary to give proper consideration to this bill?

Mr. SHERLEY. The gentleman asks a question that can not be answered with any degree of accuracy. It depends upon how far the House will be willing to accept the statement of the committee and how far they will want to go individually into a consideration of the matter.

Mr. FINLEY. The gentleman from Kentucky will realize that this is the short session, and, practically speaking, we have got less than about fifty working days. If a great deal of time is taken up in the consideration of this bill, it will be at the expense of other legislation.

Mr. SHERLEY. I would answer the gentleman by saying that if it developed that a great deal of time was necessary for the consideration of the bill, I presume provision would be made for night sessions to consider it; but I think the matter is of sufficient importance to be considered by the House whether there is other business pending or not.

Mr. FINLEY. Does not the gentleman think that a bill of this character could be much better considered at a long session of Congress?

Mr. SHERLEY. I will answer the gentleman by saying that if we put this report through at this session we will have all the work that we need to attend to during the long session in putting through the other branches of the substantive law. This Commission has been in existence for many years, and the House and Senate fixed a period for its termination. Their report has been before the committee for some time, and we have worked weeks on it, and, as I said, I think the matter is of sufficient importance to be disposed of at this session.

Mr. JOHNSON. The gentleman contemplates that other legislation carrying out the provisions of the penal code will be necessary?

Mr. SHERLEY. No; this bill as passed will cover the penal sections of the law, but it will not touch that title relating to the judiciary or any of the other titles relating to the various departments of the Government. I will say to the gentleman that the entire revision will cover about 9,000 sections. The present bill covers only some 300-odd sections, as I now recall it, so the gentleman can get some idea of proportion in that way.

Mr. JOHNSON. And the gentleman can not give an estimate of the time that will be necessary for proper consideration.

Mr. SHERLEY. The gentleman knows as much about that as I do.

Mr. GAINES of Tennessee. How long has this committee been working on this code?

Mr. SHERLEY. The committee has been working since the 15th of November.

Mr. GAINES of Tennessee. I mean the codifiers whom we employed here several years ago.

Mr. SHERLEY. Oh, they have been working on all of the laws some six or eight years, perhaps nine.

Mr. GAINES of Tennessee. Now, then, is it contemplated that we shall inside of fifty working days, together with all the other work that we have to do, go over this work and see whether it is right or not, which these able lawyers—codifiers—have been doing for nine years?

Mr. SHERLEY. No, sir.

Mr. GAINES of Tennessee. Where do you draw the line? How do you divide?

Mr. SHERLEY. I divide on the difference of the work they had before them and the work that is proposed to be brought before Congress. The gentleman knows there is very much more detail work necessary in committee than on the floor of the House.

Mr. GAINES of Tennessee. But we have to see whether it is done right or not, and whether the codifiers have done right or not. How long will it take us to do that, in the judgment of the gentleman?

Mr. SHERLEY. I presume the House ought to be able to pass this bill properly in the course of a week or ten days' consideration.

Mr. GAINES of Tennessee. Working how many hours a day?

Mr. SHERLEY. Oh, I have not gone into the detail of it. It perhaps may depend on how much objection is made without basis to the report of the committee.

Mr. GAINES of Tennessee. I desire to say to the gentleman that I do not object to the revision or a revision, but I do object to doing a thing which is not imperative, but which bars things that are imperative that we should do.

Mr. SHERLEY. Mr. Speaker, I reserve the balance of my time.

Mr. CLARK of Missouri. Mr. Speaker, I would like to have the attention of the gentleman from New York [Mr. PAYNE] for a minute or two. Every bill has to be read in its entirety once, does it not?

Mr. PAYNE. It does unless the House, as it frequently does, by unanimous consent, dispenses with it. Any Member can compel the entire reading of it.

Mr. CLARK of Missouri. This proposition of the gentleman that this bill be unfinished business, to be taken up when the House feels like it and knocked out on a question of consideration, opens up the scheme to have one roll call here every day from now to the end of this short session, does it not?

Mr. PAYNE. Oh, no.

Mr. CLARK of Missouri. If anybody wants a roll call on that question of consideration he can get it, can he not?

Mr. PAYNE. Well, I think he might meet with some difficulties.

Mr. CLARK of Missouri. How long, on an average, does it take to call the roll?

Mr. PAYNE. I desire to say to the gentleman that on any proposition here the House can have a roll call if one-fifth of the Members present are in favor of it.

Mr. CLARK of Missouri. Yes; that is true; but how long does it take to call the roll?

Mr. PAYNE. About half an hour.

Mr. CLARK of Missouri. How many hours make a working day of Congress?

Mr. PAYNE. Well, from one to five hours—call it five hours a day.

Mr. CLARK of Missouri. You are providing, then, for roll calls to cover five days out of the fifty days that Congress can work, and I want to ask the gentleman another question. Suppose we enter on this scheme of considering this bill and get half through with it in this Congress, or two-thirds through with it, then that work is absolutely lost, and it will be unless we get entirely through with it.

Mr. PAYNE. Hardly, because a large number of the Members have been reelected, and the educational process will be going on, and when we meet here next Congress most of the Members will know all about the bill. It is a matter of education.

Mr. CLARK of Missouri. This Congress, with all of its works, dies on the 4th of March.

Mr. PAYNE. Oh, the bill has to be reintroduced in the next Congress, but then we will have the educational progress, the benefit of the education of the Members. The gentleman from Missouri [Mr. CLARK] and myself know something about the bill.

Mr. CLARK of Missouri. Mr. Speaker, at the beginning of the next Congress here is what will happen: The House will be organized on the first Monday in December. The President will send in his message. The Speaker will not announce his committees until the day before Congress adjourns for the holidays. There are about three weeks of time when nothing is ever done here except to make jimcrack speeches.

If this bill is brought in on the first day of next session then you will have three entire weeks that can be devoted to it, day

and night if you want to, and thereby conserve time when it may be important to economize time.

Mr. SHERLEY. If the gentleman will yield to a suggestion. Mr. CLARK of Missouri. Certainly.

Mr. SHERLEY. There are two reasons why the gentleman's proposition will not hold. One is that this committee ceases with the life of this Congress, and this work has been done by it, and there will have to be a new committee. The second proposition is, if there is a new committee it is hoped they will be able to work during the recess and use the time the gentleman speaks of between the meeting of Congress and the first of the year to report the other sections relating to the substantive law.

Mr. CLARK of Missouri. I take it the Speaker will reappoint the present Members, unless he wants to promote some of them. The House can do anything, so it is said, although I never saw it doing anything it wanted to without the consent of the Speaker; but if it can do anything, as the gentleman from New York insists, then by unanimous consent, on the first or second day of next session, we can take the report of this committee—there is not any law requiring a report from any committee here—and begin the discussion of it at the beginning of the next session and get through with it in an orderly way. I am as much in favor of revising the laws as anybody, but I want to see a thing so important done in decency and in order.

The SPEAKER. The time of the gentleman has expired.

Mr. MOON of Pennsylvania. Mr. Speaker, just a word in answer to these queries. I will state to the gentleman that the work of the Revision Committee of 1874 was very much more extensive than that which is proposed in this bill, and that it was accomplished almost entirely without any interruption of the regular business of the House. It was found that the committee had reported little or no new law; that it was almost entirely the codification of existing law, and the bill was considered almost, if not entirely, at night sessions. Not a single hour that would have been devoted to appropriation bills was occupied, not a single hour of any other necessary legislation was interfered with by the consideration of that bill.

Mr. GAINES of Tennessee. Will the gentleman state whether this was done in the long or short session?

Mr. MOON of Pennsylvania. That I am unable to say, but at that time that committee attempted to accomplish a revision of the entire laws of the United States, involving several thousand sections, while the present bill covers less than four hundred. Now a word with regard to the reason why this bill is presented in this form—why it is confined to the penal code alone. It was because in the sense of this committee any attempt to put before this Congress, in one bill, 9,000 sections of law would make it utterly impossible for it, without interruption of existing business, to consider it as such legislation ought to be considered. Another important consideration was that the criminal law of the United States as well as the criminal law of every State is a separate and distinct part of the general law—that it is a part of the law which is capable of entire separation from the general body of the law. When the Commission whose term has just expired was first appointed in 1897, it was the purpose of Congress then only to revise and codify the criminal law and the original scope of the resolution under which that Commission reported was a resolution authorizing them to revise and codify the criminal law alone, and this portion of the work of the Commission was first completed and first referred to this committee. The criminal laws of this country are in a deplorable condition. They exist, scattered throughout numbers of our Statutes at Large, a part of general appropriation and other bills, without any index or any indication of their existence, and are accessible only to the members of the legal profession. We have here endeavored to present in an easily comprehended form, under appropriate titles and in logical sequence, all of the criminal laws of the country. The total number of sections involved in this bill is, I think, not more than 345. Of these 345 sections perhaps not 25 of them involve any consideration at all of any new law. They consist simply in bringing together statutes and parts of statutes and eliminating obsolete laws and laws that have been declared to be unconstitutional, and in bringing together in concrete form the existing laws of the country, and in my judgment very little of the time of this House will be occupied in considering most of the sections. I want to say that a careful study of the progress of the committee of 1874 shows this: That when the House recognized that the laws recommended were simply revised, that there was no new law recommended, and that the bill presented was limited to codification, the bill was not even read in its entirety. Many of the sections of the law were really passed by titles, upon the statement of the committee that there was no new law and changes in section under consideration. Therefore, in my judgment, if this



House were to take up this bill in the daytime it would occupy not more than two or three days at the utmost, and if it were to adopt the method pursued by the committee of 1874, and give us night sessions for its consideration, we would not occupy one hour of the time of Congress necessary for other business.

Mr. CLARK of Missouri. I would like to ask the gentleman a question. Does this revision which it is proposed to bring in here change the laws in any essential, or is it simply a codification?

Mr. MOON of Pennsylvania. It is almost entirely a codification. In a few respects, which will be found to appear in italics or inclosed by brackets, there is some new law recommended or some omissions in existing law. The sections of new law proposed, however, the committee did not think it right for them to recommend without a report of the proper committee of the House thereon, and it was introduced in a certain specific bill at the last term of Congress and was referred to the Judiciary Committee of this House and came back with a favorable report and was referred to this committee.

Mr. CLARK of Missouri. Does this bill undertake to change the nature of the penalty for various crimes?

Mr. MOON of Pennsylvania. Yes; I was about to say that.

Mr. CLARK of Missouri. Does it change misdemeanors to felonies and felonies to misdemeanors?

Mr. MOON of Pennsylvania. I will say in answer to that that it adopts a general provision which has been adopted by thirty-five States of the Union. In every State, I think, upon which any recent penal legislation has been had this provision makes a general classification between misdemeanors and felonies—that is, instead of classifying or denouncing a particular offense as a misdemeanor and another as a felony, they adopt a general classification which divides them according to their magnitude as measured by their punishment.

Mr. CLARK of Missouri. Where the committee's report changes the penalties for offenses it makes a misdemeanor out of an act that has been a felony, or vice versa. Does not the gentleman think that the Members of the House might want to express an opinion more or less elaborately on those important changes?

Mr. MOON of Pennsylvania. I think so.

Mr. CLARK of Missouri. And that it might precipitate considerable debate on that proposed change?

Mr. MOON of Pennsylvania. I think that, but I think it all could be done at this session if we all felt as deeply impressed with its great importance as this committee, after its long and arduous labors, feels, and with the great importance of getting this legislation consummated.

The SPEAKER. The time of the gentleman from Pennsylvania [Mr. Moon] has expired. The gentleman from Kentucky [Mr. SHERLEY] has ten minutes remaining.

Mr. SHERLEY. Mr. Speaker, I shall not use my time.

Mr. DE ARMOND. Mr. Speaker, I would like two or three minutes.

Mr. SHERLEY. I yield to the gentleman from Missouri [Mr. DE ARMOND] three minutes.

Mr. DE ARMOND. Mr. Speaker, I believe the subject-matter of this legislation is too important, its changes too many and too radical, to make it advisable to consider it in this session of Congress. One of two things would happen—either the Congress would take for granted what, first, the commission and then the committee has done, or all of the time practically of the Congress would be taken in the consideration of this report. Now, a portion of this code has been before the Judiciary Committee two or three or four or five times, withdrawn and presented again, amended, brought forward at another time, and it has gone through the processes of amendment and change and modification and rearrangement and rewriting and reclassification time and time almost without number. Nobody can know what is in it, nobody can know what it will do, nobody can know what the changes are, except upon the most careful consideration, and such consideration can not be given to it at this session.

The question was taken on the motion to suspend the rules and pass the resolution.

The SPEAKER. The Chair is in doubt.

The House divided; and there were—ayes 143, noes 35.

Mr. SHACKLEFORD. Mr. Speaker, is that a quorum?

The SPEAKER. It is not.

Mr. SHACKLEFORD. Then I make the point of no quorum.

The SPEAKER. The gentleman makes the point of order that a quorum is not present. The Chair will count. [After counting.] Two hundred and four Members are present; a quorum is present.

Mr. HENRY of Texas. I ask for the yeas and nays.

Mr. PRINCE. A point of order. Is it not a little too late to call for the yeas and nays?

The SPEAKER. No; it seems to the Chair that the demand is in time.

Mr. PRINCE. I think the vote had been announced.

The SPEAKER. The vote had been announced, but the point was made that a quorum was not present. The Chair ascertained the presence of a quorum. The Chair thinks the demand was in time.

The question was taken on ordering the yeas and nays.

The SPEAKER. Twenty-three gentlemen have arisen; not a sufficient number; the yeas and nays are refused; and two-thirds having voted in the affirmative, the rules are suspended and the resolution is agreed to.

#### MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. LATTI, one of his secretaries, who also informed the House of Representatives that the President had approved and signed joint resolution and bill of the following titles:

On December 18, 1906:

H. J. Res. 203. Joint resolution to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, 1906, on the 20th day of said month.

On December 19, 1906:

H. R. 22584. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1907, and for other purposes.

#### SENATE BILLS REFERRED.

Under clause 2, Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6885. An act granting an increase of pension to William H. Anderson—to the Committee on Invalid Pensions.

S. 6723. An act granting an increase of pension to Agusta P. Morgan—to the Committee on Invalid Pensions.

S. 6833. An act granting an increase of pension to Bettie May Vose—to the Committee on Pensions.

S. 6558. An act granting an increase of pension to Samuel A. Pearce—to the Committee on Invalid Pensions.

S. 6514. An act granting an increase of pension to Alfred A. Stocker—to the Committee on Invalid Pensions.

S. 6505. An act granting an increase of pension to Theodore M. Benton—to the Committee on Invalid Pensions.

S. 5693. An act granting an increase of pension to Margaret L. Houlihan—to the Committee on Invalid Pensions.

S. 5041. An act granting an increase of pension to George A. Tucker—to the Committee on Pensions.

S. 4909. An act granting an increase of pension to Louis Sidel—to the Committee on Invalid Pensions.

S. 1240. An act granting an increase of pension to Dana W. Hartshorn—to the Committee on Invalid Pensions.

S. 4389. An act granting an increase of pension to Florence B. Plato—to the Committee on Invalid Pensions.

#### BENJAMIN FRANKLIN ANNIVERSARY MEDAL.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Foreign Affairs, and, with accompanying papers, ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report by the Secretary of State concerning the presentation to the French Government of the impression on gold of the medal which, in pursuance of the act approved April 27, 1904, was struck to commemorate the two hundredth anniversary of the birth of Benjamin Franklin.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 7, 1907.

#### RAILROAD BETWEEN RIO PIEDRAS AND CAGUAS, P. R.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Insular Affairs, and, with accompanying papers, ordered to be printed:

To the Senate and House of Representatives:

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on August 1, 1906, granting to J. G. White & Co. (Incorporated) the right to build and operate a line of railway between the towns of Rio Piedras and Caguas, in the island of Porto Rico.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 7, 1907.

#### ANNUAL REPORT OF DIRECTORS OF PANAMA RAILROAD COMPANY.

The SPEAKER also laid before the House the following message from the President of the United States; which was read,

referred to the Committee on Interstate and Foreign Commerce, and, with accompanying papers, ordered to be printed.

*To the Senate and House of Representatives:*

I transmit herewith, for the information of the Congress, the fifty-seventh annual report of the board of directors of the Panama Railroad Company for the year ending June 30, 1906.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 7, 1907.

#### ANNUAL REPORT OF ISTHMIAN CANAL COMMISSION.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Interstate and Foreign Commerce, and, with accompanying papers, ordered to be printed:

*To the Senate and House of Representatives:*

I transmit herewith the annual report of the Isthmian Canal Commission for the year ending December 1, 1906.

THEODORE ROOSEVELT.

THE WHITE HOUSE, December 20, 1906.

#### ELECTRIC STREET RAILWAY IN PONCE, P. R.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Insular Affairs, and, with accompanying papers, ordered to be printed:

*To the Senate and House of Representatives:*

Referring to section 32 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," I transmit herewith an ordinance enacted by the executive council of Porto Rico on August 13, 1906, amending a franchise granting to W. S. H. Lothrop, his heirs, successors, and assigns the right to construct and operate an electric street railway in certain streets in the city of Ponce and between the city of Ponce and the playa thereof.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 7, 1907.

#### MAIL FRAUD ORDERS.

Mr. CRUMPACKER. Mr. Speaker, I call up for consideration the bill (H. R. 16548) providing for a judicial review of orders excluding persons from the use of United States mail facilities.

The SPEAKER. The gentleman calls up for consideration the following House bill, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 16548) to provide for a judicial review of orders excluding persons from the use of United States mail facilities.

*Be it enacted, etc.,* That (a) the Postmaster-General shall cause to be kept a record of such orders as may be made in the Post-Office Department whereby any citizen of the United States (or any firm or corporation organized under the laws thereof or under the laws of any of the States, Territories, or possessions thereof) shall or may be deprived of or excluded from the right or privilege of receiving letters, money orders, or other mail matter through or by means of the United States mail, and said record shall be designated "Fraud-order record," and shall be so kept as to show the name of each person, firm, or corporation against whom such an order shall be made, as well as the date and the nature and extent of such order, and the same shall be a public record of the United States.

(b) And any person, upon written application therefor, shall be entitled to a copy thereof, duly certified as correct by direction of the Postmaster-General, upon payment of a fee of \$1 for copying the same.

(c) And a copy of any such order shall be served by delivery of a certified copy thereof by the United States marshal (within and for the district wherein he shall have been appointed) to the person, firm, or corporation against whom the same shall be directed in the district wherein said person, firm, or corporation shall have a place of residence or of business, or its chief office, as soon as such service can reasonably be made.

(d) In all cases where any person whose right to the use of any mail facilities shall be affected by said order has, at the date thereof, a residence or place of business within any part of the United States or its territories or possessions, said order shall not become operative or put into execution (except to the extent of holding undelivered all mail directed to said party at the delivery office thereof) until fifteen days after the service thereof, or fifteen days after its date if service thereof can not be made as aforesaid.

(e) Any such citizen, firm, or corporation aforesaid whose said right or privilege to the use of the United States mail service is limited or denied by any such order made in the Post-Office Department of the United States may apply to the circuit court of the United States, or to any judge thereof in vacation (within the district of residence of any such applicant and within the period now allowed by law for the review of judgments of said court upon writ of error or appeal), and in such application shall pray a review of the matters of law and fact involved in the issue of such order; and the said court or judge shall hear and determine said application summarily, and if it is found by said court or judge that any such order has been made to the effect aforesaid, whereby said applicant has been deprived or limited in the use or enjoyment of any such right or privilege aforesaid, in or to the use of the United States mail service, the said court or judge shall grant to said applicant a writ of certiorari to the Postmaster-General, directing him to return, or cause to be returned, into said circuit court the record of said order affecting said applicant, together with so much of the original papers and other evidence relating thereto as, in his discretion, may be compatible with the public interest and with the proper discipline and conduct of the Post-Office Department or of any Executive Department of the United States Government; and said writ shall be returnable within ten days from the date thereof, unless longer time (not to exceed thirty days) be granted by said court or judge, upon due application therefor, and said writ shall be served upon the Postmaster-General in such manner as the said court or judge thereof may direct, best calculated to give prompt and full notice thereof, and due return of such writ shall be made according to its terms; and thereupon within the time mentioned in said writ and within thirty days of the date

thereof the Postmaster-General shall cause to be returned into said circuit court the said record and such of the papers and evidence in said matter as he shall deem compatible with the public interest as aforesaid, and thereupon said matter of the justice and correctness, both as to the law and the facts of said order of the Postmaster-General to which said application relates, shall be reviewed summarily and as promptly as may be practicable for the fair trial thereof anew, by said circuit court, as a civil action at law, with all the rights to either party incident thereto; said cause shall be entitled "The United States v. (names of the parties mentioned in said order of the Postmaster-General)"; and such records and evidence as may have been returned into said court under said writ of certiorari shall be received in evidence in said court on behalf of either party at the hearing of said matter, so far as the same may be competent and relevant to the issues therein, as well as any other evidence which the United States or the defendant may submit at the trial of said cause and which may be competent and relevant according to the usages and practice of said court in the trial of actions at law; and the proceedings for the further hearing of the said matter of said order and the review of any judgment thereon shall be in conformity with the practice and proceedings provided by law for the review of records, verdicts, and judgments in said court in actions at law and in conformity with the ordinary rules and practice of the said circuit court of the United States (so far as the same may be applicable and in harmony with the terms of this law); and in such particulars of practice and procedure as may not be expressly defined or indicated by this act the said circuit court wherein said cause may be pending shall prescribe and regulate, by general rules, the mode and method of procedure for the hearing and trial of such causes, and any appellate court into which said cause may be removable as aforesaid may, by like general rules, prescribe the mode and method of procedure therein for review in due course.

(f) But no order for a writ of certiorari as herein provided shall be made by said court, or judge thereof, unless the applicant, or some one for him, shall file in said court a bond to the United States in the sum of at least \$500 (and in the discretion of said court or judge a larger sum, not to exceed \$10,000), with good and sufficient surety (to be approved by said court or judge), conditioned to pay all costs to accrue in said cause and any and all damages occasioned meanwhile to any person (who may be defrauded, injured, or damaged by reason of the matters and things charged in said order, or to which the said order of the Postmaster-General refers), in the event the said order of the Postmaster-General shall be confirmed or adjudged valid by the final judgment in said cause; and any person aggrieved by any breach of any of the conditions of said bond may maintain an action at law against the obligors in said bond for the amount of any such damages, in any court of the United States having competent jurisdiction of such demand, in like manner as in other suits upon penal bonds given in judicial proceedings in courts of the United States; and if upon the filing of an application for review, as aforesaid, in the circuit court of the United States a bond be filed by said applicant therein in the sum of at least \$500, with surety approved by any judge of a court of the United States (or by any clerk of such court in vacation), conditioned as hereinbefore provided, the said order affecting the use of the United States mails by said applicant shall be stayed until the further order of said court (except as to the detention of mail in the delivery office, as aforesaid); and said court may furthermore, in its discretion, make such orders as may be just for the care, custody, and disposition of all mail affected by said order of the Postmaster-General pending said cause and until the final determination thereof.

(g) And in case two or more applications should be made to review the same order of the Postmaster-General directed at two or more persons, the first application filed by either of said persons shall alone be entitled to be first granted, heard, and determined, upon the proper facts appearing, and any other application for such writ shall be postponed and continued until the determination of any and all prior applications praying a review of the same order.

(h) And the issue to be tried and submitted, as aforesaid, upon such writ of certiorari shall be whether or not the defendant or defendants in the application for said writ are guilty of the charge upon which the said order of the Postmaster-General under review is based, or whether or not the facts exist to warrant the said order of the Postmaster-General; and the court wherein said matter is pending shall distinctly express in writing the issue to be determined, according to the facts of the particular case, before the trial thereof is begun.

SEC. 2. That all acts and parts of acts inconsistent herewith are hereby repealed.

Mr. CRUMPACKER. Mr. Speaker, the bill now before the House is a bill to authorize a judicial review of questions of law and fact involved in fraud-order cases under the practice now in vogue in the Post-Office Department of the Government. The present law provides that whenever there is evidence satisfying the mind of the Postmaster-General that any person, corporation, or association is using the mails to promote lotteries or for other criminal purposes or for the purpose of obtaining money or property by means of false and fraudulent representations and promises, he may deny such person, corporation, or association the use of the mails absolutely. The statute is peculiar in its language. It does not provide that when any person may be guilty of certain misconduct he shall be denied the use of the mails, but whenever evidence satisfying the mind of the Postmaster-General of his guilt has been submitted, that office has power to issue a fraud order withholding from that person the privilege of the mails. The question is not the guilt or innocence of the suspected person, but the belief of the Postmaster-General upon that subject. The statute vests an unqualified discretion in the Postmaster-General and does not provide for any investigation in which the adverse party may have a part. It does not require that the person who may be affected by the proposed fraud order shall be notified or be given an opportunity to appear before the Postmaster-General or anywhere else and show cause why the fraud order should not be issued; but it vests absolutely and unqualifiedly in the discretion of the Postmaster-General, when-



ever evidence is submitted to him satisfying his mind that any person is abusing the privilege of the mails, the power to issue a fraud order and absolutely deny that person the right of the mails. That discretion is not, properly speaking, an administrative discretion. Everyone familiar with government and with administrative duties must know that in the course of administration discretion, and often a final discretion, must be vested in a Department or a bureau officer.

Such, for instance, is the case in connection with the administration of the land laws. Where a homesteader applies for a patent under the land law, some one must decide, and decide finally, whether he has complied with the law and is entitled to a patent for the land he claims. That duty is in the direct course of the administration of the law, and it is finally and properly vested in administrative officers. In the administration of the pension laws it is necessary to determine whether the applicant for a pension has made the proof that the law requires, whether his status is such that the law will authorize the granting to him of a pension. The duty of settling these questions is an essential part of the administration of the law and logically belongs to the administrative officers. The immigration law likewise devolves upon the immigration officers the duty of deciding whether an applicant who applies at one of our ports for admission to the United States has complied with the law upon the subject, and the courts have universally held that when Congress has authorized Department officers to decide such questions, although they partake of the nature of a judicial power, the decision of the officer upon all questions of fact is final. Those questions are classed among administrative powers as a matter of necessity, for if they had to be determined in the courts the delay would greatly embarrass the proper administration of the great activities of the Government.

Mr. KEIFER. I do not want to interrupt the gentleman, but I understood him to say that this discretion was made final with these officers.

Mr. CRUMPACKER. It is.

Mr. KEIFER. Absolutely not in the case of the Secretary of the Interior in issuing a patent to a homesteader, for there is a decided case where the Supreme Court compelled a Secretary of the Interior to issue and deliver a patent that he had once concluded the man was not entitled to.

Mr. CRUMPACKER. When I said that the discretion vested in administrative officers in these cases was final, I meant in relation, of course, to questions of fact. The Supreme Court of the United States has repeatedly held that where an administrative discretion is vested in a department or a bureau officer, unless there is express provision for appeal to the courts, the courts have no power to review questions of fact; but the courts have always had and always insisted upon the power to inquire into jurisdictional propositions, questions of law involved in the action of the department or bureau officer.

Now, the power to issue fraud orders given to the Postmaster-General under the statutes is not an administrative power in the strict sense. It is not involved, necessarily, in the administration of the postal service of the country. It is collateral, it is incidental, it partakes of the nature of a police power for the regulation of the morals of the people of the country. It is not directly involved in the administration of the postal laws. The object of the fraud-order law is to prevent evil-minded people from imposing upon credulous members of society and obtaining from them money and property by means of false promises and pretenses, a function that in every other feature of our system of government belongs to the judicial department. It is essentially a judicial function to investigate frauds and crimes and to administer punishment with a view of promoting morals and protecting the gullible people against the arts and machinations of evil doers. But the courts have given the fraud-order power the same character as a purely administrative discretion. In numerous decisions it has been held that when the Postmaster-General issues a fraud order it is final and conclusive in so far as all questions of fact are involved. The courts do hold, and of course properly hold, that a question of jurisdiction may be inquired into. That is a principle familiar to every lawyer in the House. That question is always open to inquiry and investigation by the courts. The only question that can be inquired into by the courts in fraud-order cases is whether the transaction upon which the fraud order is based comes within the purview of the statutes.

Mr. DALZELL. Will the gentleman allow me a question?

Mr. CRUMPACKER. Certainly.

Mr. DALZELL. I ask for information. Has this bill been submitted to the Post-Office Department?

Mr. CRUMPACKER. I do not know; I presume it has. The Post-Office Department is familiar with its provisions.

Mr. CLAYTON. May I answer the gentleman from Pennsylv-

vania? The Post-Office Department is fully advised of this bill and its provisions. The Assistant Attorney-General for the Post-Office Department appeared before the Committee on the Judiciary in its hearings and made an argument against the bill.

Mr. DALZELL. Have we any expression of opinion from the Post-Office Department upon the provisions of the bill?

Mr. CLAYTON. None other than that the official Attorney-General of the Post-Office Department opposed the bill.

Mr. DALZELL. I am in entire sympathy with the object of the bill, but I would like to ask the gentleman what was the objection urged by the Post-Office Department to this particular bill? Was it to the bill itself or to the object of the bill?

Mr. CLAYTON. In substance, I may say, it was that it would greatly impair the power of the Postmaster-General and very much militate against the usefulness of the power now exercised by the Postmaster-General.

Mr. DALZELL. The Department is not in harmony with the purpose intended to be accomplished by the bill?

Mr. CLAYTON. I can not say that, except that this particular Assistant Attorney-General connected with this branch of the service was opposed to it.

Mr. CRUMPACKER. Mr. Speaker, in the recent report of the Postmaster-General substantially the same argument made by the Assistant Attorney-General before the Committee on the Judiciary against the bill is incorporated and submitted to the country as the report of the Postmaster-General. I intend to discuss some of the criticisms made by the Post-Office Department during the course of my remarks.

Mr. PERKINS. If the gentleman from Indiana will allow me, I would like to answer the gentleman from Pennsylvania by saying that the Department now exercises a very arbitrary power. Gentlemen will agree with me that no one has ever been found who was willing to yield an arbitrary power which once he has exercised. Of course, they say that the exercise of this power is in furtherance of the interests of the Government.

Mr. CRUMPACKER. The law as it stands provides for no notice to the person to be affected by the order. It affords him no opportunity to appear and show cause, if he is able to do so, why the order should not be issued against him. It is the custom of the Department, however, purely as a matter of grace, to notify, as a rule, not always, but as a rule, the person suspected to appear and show cause why he should not be denied the privileges of the mail. The notice usually contains a succinct statement of the reasons why the Postmaster-General is about to issue the fraud order. The "suspect" may then appear either in person or by counsel and submit his defense. There is no evidence introduced on the part of the Government. Information comes to the Postmaster-General through the channels of the inspection service, through post-office inspectors, of whom there are three or four hundred traveling about the country at all times investigating general conditions and particularly the character of business of men who make extended use of the mails.

When a complaint is made to the Post-Office Department that some individual or institution is abusing the privileges of the mail, the matter is referred to an inspector for investigation. The inspector conducts a secret investigation; he interviews people supposed to have knowledge and gets information from whatever source he can, incorporating that information into a report, which he forwards to the Postmaster-General. The report is referred to the Assistant Attorney-General for the Post-Office Department, who investigates the questions of law and the facts contained in the confidential report of the inspectors and makes up his mind whether a fraud order ought to be issued or not. Having decided the case against the accused, he notifies him to appear and disprove, if possible, the charges lodged against him in the Department. He is not permitted to see the report of the post-office inspector, he is not permitted to know who gave information against him or the character of the information, but he is accorded the high privilege of disproving, as far as he is able in the dark, certain general charges without any specifications as to what they may be.

Mr. MANN. Will the gentleman yield for a question?

Mr. CRUMPACKER. I will.

Mr. MANN. I presume the gentleman's statement is made after an investigation.

Mr. CRUMPACKER. It is.

Mr. MANN. It is not exactly my own idea of what takes place, and I would like to ask the gentleman what is the character of evidence presented to the Post-Office Department. Is it what the gentleman in his bill calls "legal and competent evidence?"

Mr. CRUMPACKER. No; oh, no. That is the crux of the whole question.

Mr. MANN. So that I understand, if the gentleman's bill becomes a law, all of the evidence which is collected by the inspectors in the way of letters and other matters from people who have been swindled would be of no avail before the court.

Mr. CRUMPACKER. That depends. The court would investigate the questions of law and fact according to established procedure and I presume the court would admit only competent evidence. The court would admit only evidence that had behind it the sanction of an oath. The court would hear witnesses and give an opportunity for cross-examination. The court would not permit hearsay evidence. The court would conduct the examination in the open, so that witnesses who saw fit to come and give testimony would carry the responsibility that witnesses in controversies between citizens usually carry in courts of justice.

Mr. MANN. Will the gentleman pardon another question along that line?

Mr. CRUMPACKER. I will.

Mr. MANN. Suppose the concern that wants to live by its wits and not by its wisdom establishes itself in Portland, Me., and proceeds to advertise very extensively in California and to swindle the people of California. Under the existing law the Post-Office Department, through the aid of the mails and the receipt of letters from people who have been swindled, considers that sufficient evidence to debar the Portland, Me., concern from the use of the mails. Under the gentleman's bill would it be necessary in order to sustain the contention of the Government to bring all these witnesses, or more or less witnesses, from California to Portland, Me., or to Washington, while the concern itself would have no such expense and would have no trouble?

Mr. CRUMPACKER. No, indeed.

Mr. MANN. How does the gentleman reconcile the statement?

Mr. CRUMPACKER. I have in my mind an order in which I hope to discuss the question, and I will get to the provisions of the bill later on.

Mr. MANN. I do not wish to interrupt the gentleman.

Mr. CRUMPACKER. I will say just now that this bill authorizes the Postmaster-General to continue in the future just as he has proceeded in the past. It provides that fraud orders shall not be final, however, until fifteen days after he has decided to issue them, and in that time any person who feels that he ought to have the questions of fact investigated in court, by giving a sufficient bond may go into court and have a trial of the case upon the law and the facts, a summary trial according to established procedure, and have the court determine whether he is guilty of such misconduct as to authorize the issuing of a fraud order against him. And in the meantime the gentleman will bear in mind, pending this, during these fifteen days, the Postmaster-General may order the mail impounded in the delivery office, and if fifteen days is not time enough to dispose of the case the appellant, the person who files the bill for review of the fraud order, may obtain a further postponement of the issue of the fraud order by filing a bond subject to the approval of the court, and the mail that accumulates is subject at all times to the disposition of the court. The law provides ample protection to the public.

Mr. MANN. It provides a bond of only \$10,000. That would not go very far if people were swindled.

Mr. CRUMPACKER. Certainly not. It provides a bond of \$10,000, and in addition every safeguard that exists now. It provides a bond of \$10,000 and provides for the impounding of the mail during the investigation, and that is all a fraud order would do. It brings additional safeguards for the protection of the public over and above those that exist under the law to-day.

Mr. MANN. I would not agree with the gentleman.

Mr. CRUMPACKER. I regard this whole fraud-order business as an unusual proceeding. The law would never have found its way on the statute books were it not for the peculiar adaptability of the mails to the purposes of the criminal and the perpetrator of frauds. As the gentleman said, a citizen in Portland, Me., may reach citizens in California and obtain money from them by fraudulent schemes, possibly in small sums. It would be exceedingly difficult and a great hardship for them to go into the courts and sue for damages or be required to go to Portland or some other distant place to testify. That is the reason why the fraud-order law was enacted in the first place, and if its execution had been confined to institutions and practices that were essentially fraudulent, or were inherently bad and criminal, such as "green-goods" concerns, lotteries, fly-by-night institutions, get-rich-quick establishments, as was originally contemplated by Congress, there perhaps would be no complaint; but this law, this vast power vested in the Postmaster-General, has extended and ramified until it now reaches almost every class of business in the United

States. It covers old, substantial, responsible establishments conducted by men of reputation and character. Their advertising matter is scrutinized and, if the virtues of wares sold the public are exaggerated, a fraud order is issued or the concern is compelled to submit to the humiliation of having the Assistant Attorney-General edit its advertising matter and make it conform to his standard of advertising ethics.

The Postmaster-General's report shows that during the two years ending the 30th of June last 630 fraud orders were issued, 71 more than were issued during any four years of the history of the Department.

Mr. OLMSTED. I would like to ask if the gentleman thinks that a postmaster, not the Postmaster-General, but a postmaster, should have authority on his own discretion to exclude from the mails a newspaper because it contains an advertisement which he thought, or claimed to think, was improper.

Mr. CRUMPACKER. I do not think he ought to have that power, and I would be greatly surprised to learn that he did have it.

Mr. OLMSTED. I have learned this morning, through a case which came to my knowledge, that a postmaster excluded the whole issue of a county newspaper from the post-office because it contained the advertisement of a milling company offering to give a picture with every five sacks of flour. I would like to ask if that is an improper use of his powers or whether, if so, your bill would provide any remedy for such an act as that.

Mr. CRUMPACKER. No; not such a case as that. My bill simply deals with fraud orders, and I do not understand that postmasters over the country have power to issue such orders. There is no statute conferring such power upon them, and the instance mentioned by the gentleman is certainly a flagrant abuse of authority.

Mr. MANN. It is easy to make that remark, but the gentleman is making a remark about something he does not know.

Mr. CRUMPACKER. Well, I would be surprised to know of such a law.

Mr. MANN. That is a better statement.

Mr. CRUMPACKER. I say there is no—

Mr. MANN. There is a law on the subject passed by Congress.

Mr. CRUMPACKER. Authorizing local postmasters to exclude mail?

Mr. STAFFORD. If the gentleman will permit an interruption, there is a law authorizing the Postmaster-General to determine what papers are entitled to the second-class privilege, and under departmental regulations the Postmaster-General refers the finding to determine whether a paper ought to be admitted at the second-class rates to the postmaster at the office of publication, and his report thereon is reviewed, with all the papers, by the Department officials.

Mr. CRUMPACKER. That is a different proposition. The law confers that power upon the Postmaster-General, not upon the local postmaster.

Mr. OLMSTED. In this case the paper was excluded by the local postmaster.

Mr. MANN. But evidently the law conferring the power upon the Postmaster-General does not mean the Postmaster-General personally examines things. The gentleman is well aware of that.

Mr. CRUMPACKER. When such a question arises the local postmaster must submit it to the Postmaster-General or some one else who acts for him.

Mr. MANN. He does; but in the meantime he excludes the matter which he considers improper from the mails and reports. That was what was done in this case.

Mr. CRUMPACKER. When I said the law vested in the local postmaster no discretion to exclude mails, I think I was correct in the statement.

Mr. OVERSTREET of Indiana. If the gentleman will permit an interruption, I think the question propounded by the gentleman from Pennsylvania to the gentleman from Indiana is calling attention to something entirely irrelevant to the so-called "fraud-order law." In addition to the fraud-order law, there are laws regulating the admission to the mails of matter of the second class, and under its terms are rules and regulations prescribed lawfully by the Postmaster-General for the admission to the mails of matter of the second class. I think that this instance which the gentleman from Pennsylvania has cited is one which falls within that law and not within the so-called "fraud-order law." Very naturally, if a periodical, once having been granted the privilege of the second class, is so changed in its character as to preclude that admission, the postmaster would stop it until he has examined it.

Mr. OLMSTED. The character of the paper has not changed



at all. It is a regular, reputable county newspaper which happened to contain a little innocent advertisement of a milling company in this particular issue.

Mr. OVERSTREET of Indiana. That is correct, because that particular issue was prohibited by the law.

Mr. OLMSTED. I do not think so in that case.

Mr. OVERSTREET of Indiana. That might be true; but you will find in the case you yourself cited that undoubtedly there was such specific violation or presumed violation on the part of the publisher of that particular periodical.

Mr. OLMSTED. That is what I wanted to inquire, whether the postmaster himself had the discretion to pass upon a particular article in a newspaper.

Mr. OVERSTREET of Indiana. He is guided by the terms of the regulations under the law admitting matter to the second class.

Mr. OLMSTED. Suppose he makes a mistake in applying that regulation. Here is a newspaper publishing a perfectly innocent advertisement, and the whole issue of that paper is excluded from its subscribers; is there any remedy?

Mr. OVERSTREET of Indiana. Undoubtedly; and I have had it occur at my home post-office, where the publisher is given the privilege to stamp out that prohibited advertisement, when the issue would go right into the mail.

Mr. CRUMPACKER. Now, Mr. Speaker, I think I will have to—

Mr. OVERSTREET of Indiana. I see that the interruption is irrelevant, but I did not want the colloquy to go unexplained. It does not pertain to the law to which the gentleman from Indiana is now addressing himself.

Mr. OLMSTED. I had not had opportunity of reading it, and I did not know whether it applied to such a case.

Mr. CRUMPACKER. That case does not come within the fraud-order statutes, and my bill has reference solely to those statutes. Now, the question of the constitutionality of the statutes has been raised in a number of instances, and the courts have held them to be constitutional. Citizens have complained that rights and privileges of the mails were denied them without due process of law, but the Supreme Court of the United States in several cases has decided that the privilege of the mails is not a property right; that it is not a right of citizenship; that it is not a vested right within the meaning of the Constitution, but that it is a mere privilege conferred by the Federal Government, and Congress has authority to vest the control in the Postmaster-General that is carried by the statutes that are now in force.

Mr. OVERSTREET of Indiana. Will my colleague submit to an interruption?

Mr. CRUMPACKER. Certainly.

Mr. OVERSTREET of Indiana. In view of the statement which the gentleman has just made, does he intend by the phraseology of this bill, where he uses the word "right" in connection with "privilege of the mail," to change that authority of law and create a right to the use of the mail instead of a privilege, as the Supreme Court has held?

Mr. CRUMPACKER. I do not have in mind exactly what I meant by the use of that particular word. It is doubtful if in a constitutional sense Congress can create vested rights. The fundamental rights of citizenship I think are perhaps beyond the power of Congress to enlarge or diminish.

Mr. OVERSTREET of Indiana. But I observe in different places in this bill, a copy of which I do not now have, that the gentleman has coupled with the expression "privilege of the mail" the word "right."

Mr. CRUMPACKER. Yes.

Mr. OVERSTREET of Indiana. If I had a copy I could point it out to the gentleman.

Mr. CRUMPACKER. The word "rights," I suppose, means the rights of citizens in a popular sense.

Mr. OVERSTREET of Indiana. Then, as I understand the gentleman, it is not his purpose to enlarge that privilege to a right?

Mr. CRUMPACKER. Well, I would not say that. In a way, yes; in a way, no. I think it ought to be. I think every citizen ought to have the right to use the mails as long as he complies with the law. It is the common right of all citizens of a common country, and I think it exists to-day, and that the Constitution ought to recognize it as a fundamental right of citizenship.

Mr. OVERSTREET of Indiana. Will the gentleman permit me one word further? The gentleman will appreciate whether the use of the mail is a vested right and property right, or whether it is merely a privilege under the control of the existing laws, that it would make quite a difference in the interpretation of the so-called "fraud-order law."

Mr. CRUMPACKER. Well, it might.

Mr. OVERSTREET of Indiana. Pardon me; I mean by that that the gentleman should have explained to the House, and should yet explain before concluding his statement, that the fraud-order law was inspired because the use of the mails is a privilege and not a right, and therefore the post-office, through its proper officials, are bound to that guardianship or supervision of the character of the mail itself, which is a privilege, rather than to leave it as between citizen and citizen.

Mr. CRUMPACKER. Oh, no; I do not agree with the gentleman in that respect.

Mr. OVERSTREET of Indiana. The history of this law undoubtedly will bear out the suggestion which I have made, that the supervision or guardianship of the purity of the mail, its control over the fraudulent and vicious efforts on the part of vicious minds to defraud citizens, was what inspired the fraud-order law.

Mr. CRUMPACKER. I understand that. Now, I have just explained that the law was held constitutional upon the theory that the right to the mails, speaking in a technical sense, is a privilege only on the part of the Government. The Post-Office Department has no guardianship over the mails except such as Congress confers. The whole subject is under the control of Congress, and the Post-Office Department is a department of the people, who contribute the money to administer it, and upon principles of equality of citizenship each citizen of the country, unless he has been declared to be a common outlaw, should have the same enjoyment of its benefits as every other citizen. If he has the right, we should call it the right. That is all that is meant by the phraseology in the bill under consideration.

Mr. OVERSTREET of Indiana. I think the bill ought to have a complete explanation in that respect, if the gentleman will permit me. If it is a right, and can be under the terms used in your bill, you make it a right instead of a privilege. Maybe in that you incur the danger that when you have established this right by terms of law and created this method of procedure, there may arise a question under that right in an action for damages against the Government on the part of some person who has been denied this right.

Mr. CRUMPACKER. In the first place, the Government is responsible for no damages that may be done by the delinquency of an administrative officer.

Mr. OVERSTREET of Indiana. It may arise from the administrative officer being subject to an action of damage, perhaps.

Mr. CRUMPACKER. It is a matter of history that the liberty of the English-speaking people was never completely established until administrative officers were made responsible to citizens for an abuse of power in civil and sometimes in criminal affairs. The king can do no wrong, but his minions can. The purpose of the bill is plain. Its purpose, taken as a whole, is to confer upon citizens the right to go into court and have an investigation of the questions of law and of fact involved in the issuing of a fraud order.

Mr. OVERSTREET of Indiana. Then would it not be better to leave out the word "right" and let it be "privilege," which the Supreme Court has decided it was?

Mr. CRUMPACKER. I have no pride in the phraseology; I am no stickler for words; I am not a literary purist or anything of that sort. I simply want to accomplish by proper legislation a vital purpose, and I am no stickler for any particular phraseology.

Mr. LITTLEFIELD. And the Supreme Court has recognized it does have the right to exercise the universal privilege.

Mr. CRUMPACKER. As I said to the gentleman a while ago, rights of citizenship and equality of citizenship include the right of the mails in the popular mind regardless of refinements made by the courts, but this bill is burdened with no complications respecting distinctions between "rights" and "privileges."

Mr. CLAYTON. If the gentleman will permit me to interrupt him, I will say this bill does not enlarge that right or privilege in any respect. It merely seeks to preserve or better secure that right or privilege to the citizen. It gives the citizen a remedy, whereas he has no remedy now because the courts have held—Judge McPherson has held—that the findings of the Postmaster-General as to the facts in a given case were conclusive; that the courts can not inquire into the facts as to whether the alleged sender of mail was guilty of any fraudulent transaction or not. The court is precluded from an inquiry into the facts. The facts can not be inquired into by anyone except the Postmaster-General.

Mr. CRUMPACKER. It is exclusively within his jurisdiction.

Now, I want to say a few words in regard to the evidence

upon which a Postmaster-General acts in the issuing of fraud orders. I stated a moment ago that his action was based in the main upon confidential reports which were the result of secret investigations by post-office inspectors. They constitute the bulk of the evidence. The Assistant Attorney-General of the Post-Office Department is himself first convinced and then he notifies the person affected by the proposed action of the Department to appear and show cause, without allowing him to see the report or know what it contains. He is at once the prosecuting attorney, judge, and executioner, and the privilege of appearing before an officer who has already made up his mind to refute the evidence that he can know nothing about is one without any practical value.

The Supreme Court has held that the fraud-order power may be conferred upon the Postmaster-General because the right to the mail is a privilege and not a vested right, and that the proceeding is not criminal in its character. While this may be the correct constitutional theory, yet the party against whom a fraud order is issued is branded as a criminal and stigmatized as a perpetrator of fraud. It makes him an outlaw as far as one of the most important branches of the Government is concerned. The issuance of such an order covers all his mail and deprives him of the right to communicate with his friends, his wife, or his mother, or to receive any communication from them by means of the mails.

All of this is done upon confidential reports, the result of secret investigations based upon ex parte statements of persons whose motives can not be known, who may be responsible or who may be irresponsible, who may not be competent witnesses, and who are not sworn and do not carry the responsibilities of ordinary witnesses. Their names and identity are not disclosed, and their evidence does not contain one single safeguard against fraud or one single test of credibility. Such evidence would not be received in the humblest magistrate's court of the country in a case involving the investigation of the most inconsequential right of person or property.

The confidential nature of such reports and the statements they contain, including the names of persons giving information, is such that they are never made public or disclosed to the parties vitally affected by them. About a year ago this House adopted a resolution requesting the Postmaster-General to furnish it with the facts upon which a certain fraud order was issued and copies of the inspector's reports in the case, and that officer politely and respectfully returned the resolution to the House with the statement that it would not be compatible with the public interest to comply with the request.

The investigation and decision of fraud-order cases under the practice in the Department is necessarily made by the Assistant Attorney-General. During the two years ending June 30 last 660 fraud orders were issued and a number of cases investigated where the accused agreed to modify his advertising matter so that it would conform to the ideas of propriety of the Assistant Attorney-General, thereby obviating the issuing of an order excluding him from the mails. Over one case a day had to be examined and decided, and it would be out of the question for the Postmaster-General to give his personal attention to the examination and decision of these cases and attend to the other arduous and multifarious duties of his office. The Assistant Attorney-General devotes the bulk of his time to the fraud-order business. He refers complaints to post-office inspectors, examines reports, decides questions of law and fact, hears matter in defense, and practically has the decision of the ultimate question as to whether a fraud order shall be issued or not, although the work is done in the name of the Postmaster-General. It is a matter of common experience that men who represent the Government in hunting down and ferreting out fraud and in conducting prosecutions become imbued with an official prejudice to such an extent as to unfit them to deal justly between their own client and paymaster and one whose interests may be adverse. I do not say this in disparagement of this class of officials, but a man who has the zeal and enthusiasm necessary to make a success of the work in which he is engaged, unless he be exceptionally even tempered and well poised, is most apt to become inoculated with that official bias that will prevent his dealing justly with those whose interests he may have in charge.

The Assistant Attorney-General is a detective in a large sense, to hunt down frauds, and is the prosecutor to convict the perpetrators, and in the fraud-order practice he is the judge and jury to pass upon their guilt or innocence. In view of the vital questions that are involved directly and impliedly in the fraud-order practice, it is a most unsafe thing to intrust an officer of this kind with such unlimited power. This Government is said to be a Government of law and not of men. The personal and property rights of the citizens should not be vitally affected

by any Department of Government, excepting in pursuance of law. In the execution of the fraud-order law much may depend upon the temperament and the ideals of the Assistant Attorney-General. One person occupying that position may have peculiarly high notions of business ethics and little or no patience with men who do not deal absolutely fairly with their fellows. On the other hand, another may have lax ideas respecting these matters and much sympathy for wrongdoers. Under a practice where the result must of necessity be largely colored by the temperament and sentiment of a departmental official, the vital concerns of the citizens ought not to be reposed.

I desire to impress upon the House, in addition, the dangerous character of the method of presenting proof on the part of the Government in fraud-order cases. The same zeal that I have referred to in connection with the Assistant Attorney-General characterizes the action of the post-office inspectors. There seems to be a belief or feeling on the part of these functionaries that unless they are able to discover official irregularities or individual delinquencies in connection with the mails their records as efficient officers will suffer. Their investigations are made secretly and contain, largely, interviews with citizens in various communities which are always private, and the names of the citizens who give information are to be kept inviolate.

How many men, prompted by feelings of envy or jealousy against a business rival, with the understanding that their names will not be disclosed under any circumstances, will be prompted to give information that may be largely colored by business jealousy or personal envy—information that as citizens carrying the responsibilities of a witness in public they would under no circumstances feel at liberty to give. Such testimony is a positive menace to the safety of person, reputation, and property under any system of administration. It is contrary to the commonest notions of justice and fair dealing. Due process of law, as is commonly understood in our system of government, means that process of law that is administered in the open, where the accused party may have a right to confront his accusers; where those who give testimony on either side must carry the solemn responsibilities of their conduct before the public.

I have no sympathy with or respect for the policy that affects the important rights of person, reputation, or property by means of confidential reports of secret emissaries of the law. Reports containing evidence respecting the rights of the citizen should always be made public. No consideration of delicacy or embarrassment should justify the Government in blasting the reputation and ruining the business of a citizen without giving him an opportunity to know exactly who has testified against him and to what he has testified. The reports of inspectors under any practice should be open to the person who may be affected by the fraud order. He should be allowed to know who have given information or testified against him, and citizens who are interviewed should understand that their names and statements would be open to inspection by the person against whom they testify or give information. This would have a most wholesome and salutary influence. Men would see that the statements that were written up by the post-office inspectors and credited to them were fair and just and absolutely true. There should be no inducement or opportunity for men to attempt to stab the business or reputation of rivals in the dark.

Even under the present law the investigation of fraud-order questions should be conducted in as open a manner as possible. Star-chamber procedure has no place in the administration of rights in this Government. It is contrary to the spirit of the age. The whole fraud-order practice in the Post-Office Department, however honest and pure the intentions and purposes of its administrators may be, is out of harmony with the principles of individual liberty, and it ought to be discontinued. There is no adequate excuse for it. It is claimed, I know, that if reports were made public and the names of men who give information were disclosed it would be difficult, if not impossible, for post-office inspectors to secure necessary information in this class of cases. I make the assertion that a citizen who will not give testimony except upon condition that his name be withheld from the public, and particularly from the individual against whom he testifies, as a rule is not worthy of credence. His testimony is to be suspected and should not be regarded as sufficient to deprive any citizen of any substantial right.

The Federal criminal code imposes penalties for almost every act that would justify the issuing of a fraud order. If post-office inspectors, in investigating crimes and frauds, would investigate them with a view of detecting the perpetrators and their reports should be immediately transmitted to the Department of Justice, where instructions could be sent to arrest the criminals, it would largely tend to stop the practice of debauching the mails. The Postmaster-General, in his recent report, claims that under the fraud-order practice lotteries and other



criminal concerns have almost been driven out of existence. In my humble judgment, if there were no penalty excepting that of a fraud order, the country would be overrun with lotteries, "green-goods" institutions, and other criminal concerns to-day. The criminal laws have suppressed lotteries and "green-goods" dispensers. They have been the efficient power in purifying the mails and protecting them against the schemes and devices of evil doers.

In making these criticisms of the fraud-order practice, it is not my intention to reflect in any degree upon the Postmaster-General, the assistant attorney-general for the Post-Office Department, or of any other official. The result is the necessary and logical outcome of the arbitrary system of investigation authorized by the statutes. It is not the fault of the officers personally, but the fault of the system, and it is the system that I am complaining about and which I believe ought to be materially modified.

A number of years ago it was the practice in the administration of the pension laws to have special agents make secret examinations of pension claims with a view of detecting frauds, and thousands of veterans of the civil war were dropped from the pension rolls upon these confidential reports without notice, without having been given an opportunity to present their defense, and the sense of justice of the entire country was so aroused that Congress quickly passed a law providing that in all investigations of pension claims by special examiners the applicant should have notice before a single witness was examined, and allowed to be present and cross-examine the witnesses and be given an opportunity to submit testimony in his own behalf, and that he should have at all times access to the reports of the special examiners. Under the law now a veteran who is drawing a pension of only \$6 a month can not be deprived of that token of his country's gratitude upon confidential reports of special agents. He can not be deprived of it except by notice with an opportunity to confront the witnesses who testify against him and with an opportunity to submit evidence on his own part, and the whole proceeding must be conducted publicly and in the open, while under the fraud-order practice the reputation of an individual may be blasted, his business destroyed, he may be branded as a perpetrator of crime and a common outlaw on confidential reports of secret emissaries, without the privilege of knowing what is contained in the reports or who has given information against him or what the character of that information may be.

Even the practice of giving notice to those to be affected by fraud orders and according them an opportunity of making a defense is a mere matter of favor on the part of the Postmaster-General prompted by his sense of justice and fair play. The law does not require it, and no citizen should be subjected to the humiliation of depending upon the favor of a Department officer for the right to disprove, if he has the power to do it, charges of crime and fraud that may have been made against him affecting his standing before the public and his right to the use of the mails. The privilege of making a defense ought to be embodied in the law. It ought to be the legal right of the citizen, and not a mere favor coming from the sense of fairness of a Department officer.

Mr. LITTLEFIELD. And all the evidence is taken in the absence of the man to be affected?

Mr. CRUMPACKER. Of course. He has no right of cross-examination; he can not know anything about it.

Mr. PERKINS. The gentleman said that as a result of such an order the person affected was branded as a criminal. Is it not also a necessary result of such an order that he is not only branded as a criminal, but that his business is destroyed?

Mr. CRUMPACKER. Necessarily ruined. I thank the gentleman for the suggestion. It is one of the inseparable incidents, and his reputation is blasted forever, because no man may ever outlive the stigma of a fraud order.

Mr. PERKINS. He can not do business without the mails.

Mr. LITTLEFIELD. I was just going to inquire of the gentleman from Indiana whether it is also a fact that a fraud order is based upon a condition of facts involving criminal conduct on the part of the man to be affected, and, therefore, indirectly, the man is convicted of being a criminal without having been heard, under the method of practice that obtains in the Department?

Mr. CRUMPACKER. Yes; convicted by the prosecuting attorney. The principle would be the same if a grand jury, with its secrecy and its confidences, should hear evidence and indict a citizen for a crime, and then he should be haled before the same grand jury to plead to the merits of the case, and they should notify him by the indictment of the general nature of the charge, and say to him, "The evidence on behalf of the State has already been introduced. It is confidential and secret, and will

not be disclosed to you. You now have the high privilege of proving yourself innocent if you are able to do it." In fact, the situation is worse, because witnesses before a grand jury testify under the sanction of an oath, and are liable to prosecution for perjury. In some instances they may possibly be liable in the civil courts for damages for malicious prosecution. Yet a witness who is interviewed by a post-office inspector regarding the character and conduct of a citizen or his business carries with him absolutely no kind of responsibility in the criminal courts for perjury and no kind of responsibility for malicious prosecution, slander, defamation of character, or anything of that sort.

Mr. MANN. Will the gentleman yield for a question?

Mr. CRUMPACKER. I will.

Mr. MANN. The gentleman is probably correct as to what could be done under the law, but is the gentleman correct as to what is actually done under the law?

Mr. CRUMPACKER. I am correct when I state that the Post-Office Department always refuses to communicate to the person to be affected by a fraud order the information contained in the confidential reports of the inspectors. The person to be affected by the order, the person cited to show cause, is not allowed to see the report of the inspector. He is not allowed to know who gave testimony against him, or who informed the inspector respecting his methods of doing business.

Mr. MANN. Has the gentleman himself had any personal experience in connection with cases of this kind?

Mr. CRUMPACKER. No; I never have.

Mr. MANN. Then, I will say to the gentleman that he is entirely mistaken as to the course of practice of the Post-Office Department.

Mr. CRUMPACKER. I beg to differ from the gentleman.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Illinois that I have had personal experience with cases of this sort—

Mr. MANN. I hope the gentleman is still permitted to use the mails. [Laughter.]

Mr. CHARLES B. LANDIS. I will say to the gentleman that this experience has not been in any matter concerning which I was personally interested myself.

Mr. MANN. It is unnecessary for the gentleman to make that statement. My remark, of course, was simply intended to be humorous.

Mr. CHARLES B. LANDIS. But I will say to the gentleman that I have personal knowledge of the way these investigations are conducted, and I can say that the statement of the gentleman from Indiana [Mr. CRUMPACKER] is absolutely and unqualifiedly true.

Mr. MANN. The gentleman may make that statement; but I have had a number of these cases before me. I believe the city which I happen to represent in part swarms with these people, and I can say that the gentleman is entirely mistaken.

Mr. CRUMPACKER. The Assistant Attorney-General for the Post-Office Department, in his statement before the Committee on the Judiciary, admitted everything I have stated to the House in relation to that proposition.

Mr. MANN. The gentleman, I think, speaks correctly as to the rights that are assumed to be given before the Postmaster-General, but not as to the practice of the post-office inspectors themselves. I venture to say there is not a case where a fraud order has been issued where the post-office inspector has not repeated to the person against whom the order was issued the charges that were made against him and obtained from him his side of the case.

Mr. CRUMPACKER. The gentleman is begging the question. That is not the proposition up for consideration at all. I stated that the citation contained a succinct and concise statement of the charges made. What I have been undertaking to demonstrate to the House is that the reports of the post-office inspectors, containing the interviews with various citizens, not under oath, responsible and irresponsible, competent and incompetent, are not submitted to the person to be affected by the order.

When you come to the question of right, the citizen has no right under the law, he has no right to be heard, he has no right to be notified. The law provides for no notice, and provides for giving him no opportunity at all to exonerate himself.

Mr. OVERSTREET of Indiana. Does not the gentleman from Indiana feel that it is entirely fair that he should make a statement to the House of what the practice is in the Department?

Mr. CRUMPACKER. I am proceeding to do it.

Mr. OVERSTREET of Indiana. I think the gentleman is in error when he stops where he has now stopped, and leaves the impression that there is absolutely no hearing.

Mr. CRUMPACKER. I did not intend to do that; I think I have said three times, at least, that the practice of the Depart-

ment is, generally, but not always, to give notice, and that notice is the indictment, as you might say, a succinct statement of the reasons why the fraud order ought to issue, and he is given an opportunity to go before the assistant attorney-general and disprove the charges in entire ignorance of the evidence that was given against him.

Mr. OVERSTREET of Indiana. And a reasonable time in which to be heard.

Mr. CRUMPACKER. I presume that is the rule, but that is purely a matter of grace and not a matter of right.

Mr. OVERSTREET of Indiana. I am asking about the practice. The gentleman from Illinois inquired as to the practice.

Mr. CRUMPACKER. The gentleman from Illinois took issue as to the statement I made that the confidential reports of the post-office inspectors were not submitted to the party to be affected.

Mr. OVERSTREET of Indiana. I think it is proper that the gentleman should confine his arraignment to the law and not of the officials.

Mr. CRUMPACKER. I am not traducing the officials; I hope I shall not be so understood. I am discussing the law and the practice of the Post-Office Department in connection with the fraud-order power.

Mr. SHACKLEFORD. The gentleman from Illinois made some statement about the practice of the Department. I would like to ask the gentleman from Indiana if the practice of the Department in these matters is at all uniform?

Mr. CRUMPACKER. It is not, because cases are not all alike. The assistant attorney-general, when testifying before the Judiciary Committee, said in some cases they did not give any notice at all. He said that he practically determined when notice should be given and when notice should not be given. Perhaps there is a reason for it, because if notice were given in some instances and an opportunity given to be heard, some of these fly-by-night institutions that are here to-day and over in Chicago to-morrow and St. Louis in a week would escape the effect of the fraud order altogether, and in those cases it may be necessary to grant the order without notice or hearing.

Now, it is discretionary with the assistant attorney-general of the Post-Office Department whether any notice shall be given at all. He determines the question, and he may determine it justly.

In the report of the Postmaster-General of this year he says that there have been over thirty applications to courts of equity to enjoin the enforcement of fraud orders, and in every instance the courts refused relief except one, and that case is pending now, and he hoped to win that. He said it was a very significant circumstance that the courts have denied relief in all applications, showing that they had got the right man every time.

Now, I have in my mind one of the States of the Union where in the last twenty-five years there have been thirty lynchings, and I undertake to say that they got the right man in every instance—that is to say, they lynched the man that they set out to lynch. They made no mistakes in the victims. [Laughter.] When you consider the fact that the person against whom the fraud order is issued has no standing in court on questions of fact, that he can only have the court inquire into the question of jurisdiction, does it signify anything that thirty have appealed to the courts for relief, and the courts in every instance have decided that the attorney-general of the Post-Office Department has jurisdiction of the subject-matter, the court having no power to inquire into the facts? The judgment of a court is of no significance unless it is based on the merits of the case.

Mr. MANN. Who decided that—a district judge of the United States?

Mr. SHACKLEFORD. Judge McPherson.

Mr. MANN. Is it possible that with all the fraud orders that have been issued they have never been able to get a case in the upper court?

Mr. CRUMPACKER. Why, there have been a number of cases in the upper courts.

Mr. MANN. What have the upper courts decided?

Mr. CRUMPACKER. I will read the syllabus in the case of *Bates v. Payne* (194 U. S., 106). There the court says, in relation to the administration of affairs, "Where the decision of questions of fact is committed by Congress to the judgment and discretion of the head of a Department, his decision thereon is conclusive." That is what the Supreme Court of the United States has decided.

Mr. MANN. Does the gentleman claim that the Supreme Court of the United States has held that the decision of the Postmaster-General on a question of fact as to a fraud order is conclusive upon the court?

Mr. CRUMPACKER. Always, in every instance.

Mr. MANN. The gentleman claims that that is the decision of the Supreme Court of the United States?

Mr. CRUMPACKER. It is.

Mr. MANN. The gentleman is the first gentleman whom I have met with yet who has read that decision in that way, and the gentleman's opinion is entitled to great weight, because I know no better constitutional lawyer, or other kind of a lawyer, in the House.

Mr. CRUMPACKER. I thank the gentleman for that very high compliment, for I know the gentleman in handing out his compliments is always sincere. [Laughter.]

Mr. SMITH of Kentucky. And just.

Mr. CRUMPACKER. And just.

Mr. MANN. The gentleman is always sincere when he is telling the truth, as he was just now. [Laughter.]

Mr. LITTLEFIELD. And he passes out so few that they are valuable when they do come.

Mr. CRUMPACKER. I want now to quote from an opinion by the honorable Smith McPherson, a Federal district judge, in a fraud-order case.

Mr. MANN. Does the gentleman propose to have him overrule the Supreme Court of the United States or does he want to have the Supreme Court reenforced by the opinion of a district judge?

Mr. CRUMPACKER. The gentleman a moment ago said that nobody had ever made the assertion I just made in respect to the decisions of the Supreme Court. I want to say that here is one other man who officially and judicially, after an exhaustive consideration of all the cases on the subject, reached that conclusion. Let me read it.

Mr. MANN. Of course if a decision of the Supreme Court is reenforced by the opinion of the district judge, that ought to settle it.

Mr. CRUMPACKER. The district courts have to administer the law and to follow the precedents. Judge McPherson on the 19th day of July, 1905, rendered an opinion after reviewing the decisions of the Supreme Court upon that question. I desire to say that I have read, I suppose, twenty-five or thirty cases myself—fraud-order cases—probably every one that has been reported, and I have not yet found a decision where the principle was not either expressly and emphatically asserted or impliedly recognized that in relation to questions of fact the decision of the Postmaster-General was conclusive. When the question was up before Judge McPherson it was contended there, as is always contended, that in relation to questions of law the courts may review the decision of the Postmaster-General. I think that is generally settled. I read from what Judge McPherson held:

The proposition conceded by all, that if the Postmaster-General committed an error of law this court should enjoin the enforcement of the fraud order, is made the basis of an attack thereon by complainant's counsel. It is urged that if the evidence on which the fraud order was issued was meager or lacking, then the Postmaster-General committed an error of law. There is no authority to sustain the contention in any of the reported cases. To sustain such a contention would be equivalent to a writ of error from this court to review the decisions of that officer on the ground that his findings are not supported by the evidence. But he did have evidence before him. That evidence may or may not have been legal evidence according to the standard of the text-books. It may have been hearsay; it may have been secondary; it may have been delivered by an incompetent witness; or it may have been such as the courts would receive. But whatever it was, it was evidence satisfactory to him.

The Postmaster-General had, under the power with which he is clothed, the right to investigate the subject-matter. It was his right and duty to ascertain whether the methods of the bank were to further a scheme by the use of the mails to obtain money by fraudulent means. His findings of fact were that such practices were carried on. He had the power to act. He committed no error of law, and his findings of fact are not open to inquiry by the courts.

That opinion was printed by the Post-Office Department at public expense and is being sent out over the country as a public document, stating the law in fraud-order cases.

I say there is not a decision by a district judge, a circuit judge, a court of appeals, or a decision by the Supreme Court of the United States to the contrary. Every single decision is predicated upon that theory of the law. Courts do investigate facts to find out whether the given transaction comes within the statute. As to the Coyne case, cited in the report of the Postmaster-General, it is claimed that the courts have asserted their right to investigate questions of fact. The court investigated the questions of fact in that case simply to determine whether the transaction came within the law and therefore was within the jurisdiction of the Postmaster-General. That is as far as it had a right to go. If the case was covered by the fraud-order statute, the decision of the Postmaster-General as to the guilt or innocence of the person accused would not be examined.



Mr. MANN. The gentleman stated he was going to read the opinion of Judge McPherson, for whom, by the way, I have a great respect and who was a former Member of this body, to sustain the opinion of the Supreme Court, and I did not catch that part of the decision. Now, may I ask the gentleman whether the decision of the Supreme Court, in the volume which he has upon his desk, relates to a fraud-order case at all?

Mr. CRUMPACKER. The volume contains two cases, the Coyne case, which involved a lottery, and the Payne case.

Mr. MANN. But the gentleman quoted from the syllabus, I suppose, of the Supreme Court case.

Mr. CRUMPACKER. Yes.

Mr. MANN. Was that case, in fact, a fraud order?

Mr. CRUMPACKER. No.

Mr. MANN. Either of them?

Mr. CRUMPACKER. That case involved the discretion of the Postmaster-General in relation to the classification of mails for purposes of postage. The Coyne case is a fraud-order case.

Mr. MANN. As to the rate of postage?

Mr. CRUMPACKER. No; classification of mails.

Mr. MANN. Which means the rate of postage. Congress can confer upon an administrative department the determination of a fact which decides the rate of postage. Certainly the court would not be required to determine whether matter should be second, third, fourth, or first class. That would be silly.

Mr. CRUMPACKER. The principle is as old as jurisprudence itself. Whenever a Department is vested with the authority to determine the facts, unless the law provides otherwise, the judgment or decision of the Department officer is final and conclusive, and there is no decision of any court of ordinary respectability in all this country to the contrary. It is a familiar principle. Every person who is familiar with the elementary principles of law and of the science of government knows that proposition to be a true one.

Mr. MANN. Of course gentlemen always say about an opponent with whom they do not agree that anybody who knows the elementary principles of law believes so and so. That is a little bit too old for the gentleman himself to use. Now, the fact is, as I understand it, the Post-Office Department itself never has claimed that these orders were not reviewable by the court, and that the court has never sustained any such claim.

Mr. CRUMPACKER. But the gentleman must be talking at random. There never has been a case before the court, but an assistant attorney-general, standing for the Government or the Post-Office Department, has not insisted that in relation to questions of fact it was not reviewable.

Mr. MANN. It is very strange, then, the Supreme Court never has decided that question.

Mr. CRUMPACKER. Why, the Supreme Court has decided it repeatedly. In the Coyne case, which involved a fraud order, the Supreme Court justified its investigation into the facts to determine the question of jurisdiction. I have among my papers here two or three cases decided by the Supreme Court of the United States under the fraud-order statute, holding that the court could investigate questions of law only. There is one case where the fraud order was issued against a person who was administering what was called "absent mental treatment" for diseases, and the Post-Office Department issued a fraud order against him. The Supreme Court of the United States reversed the judgment of the Post-Office Department on the ground that a question of law was involved. It discussed all these questions in the opinion and held that the court had no power to review questions of fact where the proceeding was within the jurisdiction of the Postmaster-General. Now, I must insist on concluding—

Mr. MANN. We will give the gentleman all the time he wants. If necessary, I will get an hour and yield to the gentleman.

Mr. CRUMPACKER. I thank the gentleman.

Mr. MANN. I do not think the gentleman should object to the consideration of his measure or the questions which may be asked of him.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I ask unanimous consent that the gentleman be allowed to continue until he concludes his remarks.

The SPEAKER. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Indiana be extended without limit to conclude his remarks. Is there objection? [After a pause.] The Chair hears none.

Mr. CRUMPACKER. Mr. Speaker, I am under additional obligation to the amiable and affable gentleman from the State of Illinois for the courtesy he induced the House to bestow upon me.

Mr. MANN. It is no compliment to the gentleman from Illi-

nois; nobody could be otherwise with the gentleman from Indiana. [Laughter and applause.]

Mr. CRUMPACKER. Now, I said at an earlier period in my remarks that the fraud-order power of the Post-Office Department had been carried beyond what was ever contemplated by Congress in the enactment of the original statutes. Everybody, I think, recognizes the propriety of the fraud-order statutes, if they were confined simply to institutions or concerns that were essentially criminal, that had no virtuous features or elements whatever, such as green-goods institutions and enterprises of that character. But they have been greatly extended. The present Assistant Attorney-General for the Post-Office Department has gone out and investigated the conduct of all kinds of business.

Mr. LITTLEFIELD. Let me ask the gentleman if it does not frequently occur in connection with competition between men in business that a man makes a complaint to the Post-Office Department and does it to get advantage of a competitor in the same business?

Mr. CRUMPACKER. The gentleman and the House understand human nature and know how men may give secret information respecting methods of competitors in business when they are assured that their names shall never be made public. I do not know how many worthy institutions, having permanent habitations, institutions that are financially responsible, old establishments, have been compelled to come here to Washington and have the Assistant Postmaster-General blue pencil and edit their advertising matter. And he has established rather a high standard of advertising ethics. He scrutinizes advertisements and places limitations upon the old common-law right of a vendor to puff his wares, to exaggerate their virtues somewhat, and if a person goes beyond what he thinks to be a safe and virtuous limit, a fraud order comes forth. I have in mind a case in Missouri that got into the courts, where a citizen of Kansas City was engaged in the wholesale liquor business, and had been for fifteen years. He did quite an extensive business, as the evidence showed, amounting to perhaps \$150,000 a year. He was financially responsible and was a reputable citizen. He sold bottled liquor through the mails—that is, his orders were received and the money transmitted through the mails. He guaranteed satisfaction with his goods. He gave a guaranty to the effect that if anyone, after testing the liquors they bought of him, were dissatisfied they might return the goods and receive their money back. He sold to thousands and thousands of customers and made good in every instance, but he advertised some whisky as being 9 years old and some as being 14 years old, when it was claimed they were not that old, and the Post-Office Department notified him to appear and show cause why a fraud order should not be issued against him for obtaining money by false promises and representations. He came down here and made his fight, but the order went, and he was put out of business.

Mr. MANN. Because he was selling raw alcohol for 14-year-old whisky. That man ought to have been put out of the business.

Mr. CRUMPACKER. I am glad to know the gentleman is familiar with that man's goods.

Mr. MANN. I am familiar with the practice of the liquor dealers. I know what they sell.

Mr. CRUMPACKER. If this law is right, I would like to ask the gentleman why he devoted so much of energy and enthusiasm to secure the enactment of the pure-food law in the last session of Congress? The fraud-order branch of the Post-Office Department can easily regulate the food question, and do it more quickly and more cheaply and more effectually than it can be done under the law that was enacted by Congress under the leadership of the gentleman from Illinois [Mr. MANN]. [Applause.]

Mr. MANN. The applause that greets that statement shows how much ignorance still prevails in the House of Representatives. [Laughter.]

Mr. OVERSTREET of Indiana. Will the gentleman yield to a question? In the case the gentleman has just cited, was there any fraud committed?

Mr. CRUMPACKER. I was proceeding to explain that case. It is a question.

Mr. OVERSTREET of Indiana. The gentleman will certainly admit that if there were fraud practiced in that case, it became the duty of the Postmaster-General, under this fraud-order law, to do just what he did do, and I can call the attention of my colleague to the suggestion of the limitation of his arraignment of the law, and he should not leave the impression that there has been, under the exercise of this discretion, a playing fast and loose on the part of the officials. If the law needs changing, change the law, but not because the Postmaster-General has done something that is fraudulent.

Mr. CRUMPACKER. I am not accusing the Postmaster-General of having done any wrong. If the gentleman will possess his soul for a few minutes, I will explain this case fully and show the result. The fraud order was enjoined by Judge Amidon, judge of the western district of Missouri, upon the ground that the case was not covered by the statute, and an appeal was taken to the circuit court of appeals in the eighth circuit, where the judgment of the lower court was reversed and the Postmaster-General upheld. The circuit court of appeals held, in effect, that if Montgomery, Ward & Co., of Chicago, the great mail-order and catalogue house, should advertise a particular kind of goods as "all wool and a yard wide" and some citizen down in Alabama or somewhere else should buy the article under that advertisement and it proved to contain a little cotton, the Post-Office Department had the power, without giving any notice to Montgomery, Ward & Co., to issue a fraud order against that institution and put it out of business absolutely and forever as a mail-order house.

Now, I cite this case to illustrate the scope of the law and its dangerous character; how that discretion as vested in the Postmaster-General under the statute may become a menace to the liberty and the prosperity of the people of the country.

Mr. OVERSTREET of Indiana. But does not the gentleman's argument, arraigning it in the way that he has been arraigning the law, logically lead to the repeal of the entire law?

Mr. CRUMPACKER. That is a question that I have not given much thought to. I contend that the law ought to be modified.

Mr. OVERSTREET of Indiana. That is the suggestion I am making to the gentleman.

Mr. CRUMPACKER. Let it apply to persons and institutions that have no permanent habitations. The courts of the country can apply remedies to crimes and frauds against men and concerns that have fixed habitations and financial responsibility.

Mr. LITTLEFIELD. Will the gentleman allow me just a minute? I want to ask the chairman of the Committee on the Post-Office a question. Will the gentleman from Indiana [Mr. OVERSTREET] be kind enough to say whether or not his attention has been called, in connection with the exercise of the discretion of the Post-Office Department as to the fraud-order law, of very grave and serious complaints of the abuse of that discretion?

Mr. OVERSTREET of Indiana. Why, undoubtedly every individual who has infringed upon the law and found himself before the Department has, of course, complained. That is the suggestion which I made to my colleague in charge of this measure, whether there was not much good in the provisions of the law in view of the credulity of the people in believing all that is seen in the press, and they are so easily and frequently led into transactions wherein they are defrauded, and because of the supervision of the Government over the mails this law was enacted. There are undoubtedly cases where the law was wrongly administered.

Mr. LITTLEFIELD. And there have been very grave and very serious complaints about the exercise of this discretion in certain instances.

Mr. OVERSTREET of Indiana. Oh, certainly; but I do not think those complaints should lead to the repeal of the law; and I called the attention of my colleague to the fact that his argument would logically lead to the repeal of the law. If there can be some modification which will eliminate these dangerous pitfalls, well and good; but I am afraid the Committee on the Judiciary, in exercising its jurisdiction and recommending this bill, is going to take away much of good in the existing law. But there will be many, many cases of fraud on individuals whose credulity allows them to believe any statement seen in advertisements, and for that reason I ask, in the very case he cited, if there was actual fraud committed would he defend that fraud? Why, if the Judiciary Committee, in its desire to meet these criticisms which the gentleman from Maine now calls my attention to, so broadens the law that it will afford pitfalls into which the people may fall, it had better in changes in a few ways safeguard this measure, because there is no measure that will escape criticism.

Mr. LITTLEFIELD. I want to say just one word. The committee in offering this bill does not undertake to repeal the fraud-order provisions of the existing law, but it does undertake to regulate and control its application and say that the men who are to be affected thereby shall have the right to be heard. Now, with reference to the case cited by my friend from Indiana, I will say that whether that be fraudulent or not, I know of no good reason why that party should not have had some chance to be heard before some good proper authority before the order is issued.

Mr. OVERSTREET of Indiana. It looks to me that this institution has never been restricted in the slightest is ample proof that there was no injury done it.

Mr. DALZELL. I would like to ask the gentleman a question for information.

Mr. CRUMPACKER. I first yield to the gentleman from Missouri.

Mr. BARTHOLDT. Is it not true that this bill does not deprive the Post-Office Department of the authority which it now exercises in issuing fraud orders?

Mr. CRUMPACKER. That is true.

Mr. BARTHOLDT. And it only gives the right to have the case reviewed by the court?

Mr. CRUMPACKER. That is the purpose of the bill.

Mr. DALZELL. Now will the gentleman yield to me?

Mr. CRUMPACKER. I yield to the gentleman.

Mr. DALZELL. As I understand it, the cause cited in the report of the committee itself, in *The United States Bank against Gilson*, in which the party went into court and applied for relief against a fraud order, the reason why he did not get relief was because the court said that the findings of the Postmaster-General were not open to inquiry by the court.

Mr. CRUMPACKER. Yes.

Mr. DALZELL. Now, it is to get rid of that decision that this bill is intended, is it?

Mr. CRUMPACKER. Oh, no. I do not think the Committee on the Judiciary reports bills of a general character to get rid of particular decisions.

Mr. DALZELL. Oh, no; not at all. I do not mean that.

Mr. CRUMPACKER. The object of the bill is this: Upon a question of such vital importance as that affecting the reputation and business of a citizen, and carrying imputations of fraud and crime, it is safer and better to open the courts and have those questions determined according to established judicial procedure, a procedure that is the result of generations and centuries of wisdom and experience. Every citizen of the land should be accorded the right to have his vital affairs determined in courts according to that kind of procedure. The courts are sanctuaries of liberty and bulwarks of safety.

Mr. DALZELL. Mr. Speaker, I am with the gentleman. I just want to arrive at the reason—

Mr. MANN. Wait until you hear the other side.

Mr. DALZELL. I want to arrive at the reason why we should spread ourselves over seven pages, setting up a cumbersome method of procedure, when you can reach the result that you say you want to reach by providing that in all cases where a citizen is aggrieved by the decision of the Postmaster-General he shall have the right to relief in the courts.

Mr. CRUMPACKER. Yes; after he is hanged he may be tried and condemned!

Mr. DALZELL. Not at all. Let him get out an injunction.

Mr. CRUMPACKER. After his business and reputation are ruined he can go into the courts, but what good will that do him?

Mr. DALZELL. Not at all. The courts are open to injunction in every case, just as they were in this case. The courts fail only because they do not have jurisdiction. Now, I want to know, why set up a cumbersome piece of machinery, such as is provided in this bill, when you can do the whole thing in a paragraph?

Mr. CRUMPACKER. I beg to differ with the gentleman. I do not think it can be done in a paragraph and correct the evils that now exist in the fraud-order statute.

Now, I do not want my colleague [Mr. OVERSTREET of Indiana] to get the impression that I am attacking the Postmaster-General, or the Assistant Attorney-General, or any officer of the Post-Office Department personally. I am discussing to this House the fraud-order law, how it has been administered, its scope, and what I conceive to be its arbitrary and dangerous character. It involves the most vital questions, of persons, of reputation, of property. The citizen is shut out of the courts, those institutions that lie at the very foundation of the safety of person and property. He is absolutely shut out and denied relief.

Mr. PAYNE. May I ask the gentleman a question, Mr. Speaker?

Mr. CRUMPACKER. Yes.

Mr. PAYNE. Does this bill cover the question of a lottery, for instance?

Mr. CRUMPACKER. It covers all questions that come under the fraud-order business of the Post-Office Department.

Mr. PAYNE. If some neighboring nation should want to go into the lottery business at the expense of the people of the United States, and this bill should be passed, and they did their business through the United States mails, there would be no way to stop it until after a long litigation in the courts.



Mr. BARTHOLDT. Oh, yes.

Mr. CRUMPACKER. This bill is confined to citizens and institutions in the United States, and we have criminal laws. We have laws making the conducting of lotteries a crime.

Mr. PAYNE. We had all that before, and we had the Louisiana lottery. Then, after we got rid of that, we had all the law and all the machinery of the courts and everything of the kind, and we had the Habana lottery, and there was more fraud and injustice upon the people of the United States going on under those lotteries than this bill can prevent in fifty years.

Mr. CRUMPACKER. Now, does the gentleman believe that it is good politics and that it is good government to vest in the chief of a bureau a collateral power to enforce police and criminal laws of the country without giving the accused person the right to a hearing, the right to cross-examine witnesses, the right to insist that the witnesses shall testify under oath, the right to insist that the witnesses shall be competent; that their testimony shall not be hearsay? Does the gentleman think that is good government?

Mr. PAYNE. The gentleman thinks this, that in carrying the mails of the United States, where the Government carries the advertisements of a lottery company—I only speak of that as an example—the Government forms a sort of partnership with that kind of business, and we ought to guard very carefully against any copartnership of that kind and not aid in the promotion of lottery schemes and the swindling and stealing and robbery of the people's money by carrying those things through the mail. Now, if they can prevent that by preliminary hearing before an executive officer and give him the right to make a preliminary order to stop the sending of such stuff through the mails before thousands, and perhaps more than thousands, of the citizens of the United States have parted with their money upon these fraudulent schemes, and then give the party an opportunity to come into court and get his injunction and bring an action against the Postmaster-General or against the Government of the United States and let the courts say whether those things should be carried, before the final hearing, if it can be done in such a way as that, it seems to me that we are more apt to do justice than we are—

Mr. CRUMPACKER. If the gentleman will allow me, that is about what this bill provides for.

Mr. PAYNE. Oh, no; the bill goes further than that, and if it did not he might accept the suggestion of the gentleman from Pennsylvania and instead of having all of this procedure that is laid out in the bill, let them go to the court and get a preliminary injunction enjoining the executive officer from carrying out the fraud order until the hearing is had in court.

Mr. CRUMPACKER. The suggestion of the gentleman from Pennsylvania was that after the Postmaster-General has issued the fraud order and it has been made public, after the local postmaster has been wired to stop the mail and it is stamped as fraudulent and returned, sent out all over the country—

Mr. DALZELL. Oh, no; that is not the practice.

Mr. CRUMPACKER. That is the practice.

Mr. DALZELL. Oh, no; the report of the Judiciary Committee says that the Postmaster-General gives notice to the person under investigation and gives him an opportunity to appear in person. Now, the moment he gets the notice, if the law was changed properly, he could go to the proper court and ask for an injunction and have the matter heard before any damage was done.

Mr. CRUMPACKER. That would practically repeal the law. If the accused were allowed to go into court in that way, the case might be pending there months perhaps, and during that time, as the Assistant Attorney-General says, one-half of the population of the United States might be defrauded.

Mr. DALZELL. No; it could be attended to in two or three days.

Mr. CRUMPACKER. I would accept the proposition, but the Post-Office Department would under no circumstances accede to it. The Postmaster-General desires speedy action, and whenever he is convinced that fraud is being perpetrated he issues a fraud order now. Under the bill I propose he will give the notice and wire the local postmaster to hold up the mail until the question is finally settled.

Mr. PAYNE. What speedy action is left in the bill for the Postmaster-General?

Mr. CRUMPACKER. He can at any time order the mail impounded by the local postmaster, not to be delivered until the fraud order is determined. If the person comes into court and wins out the mail is subject to his order. It is not delivered to him until the matter is settled both as to the law and the facts.

Mr. PAYNE. In the meantime the people are sending in their money, and it is all tied up.

Mr. LITTLEFIELD. Only for fifteen days.

Mr. CRUMPACKER. If they send in money, it is held subject to the order of the court. The court in its discretion may appoint some one to receive the mail and notify the correspondents; he has the power to do it. The bill contains provisions to safeguard the correspondents and protect the people against fraud and imposition, and at the same time gives the citizen the right to have this investigation.

Mr. PAYNE. I understand under this bill that the Postmaster-General can do everything that he is now doing except to stamp the mail "fraudulent" and return it.

Mr. CRUMPACKER. Yes; in a way.

Mr. PAYNE. Will the gentleman please explain what he means by "in a way?"

Mr. CRUMPACKER. He can stop the mail, and it is held up for fifteen days, and then, if no action is taken in the courts, the order is made final and the mail stamped "fraudulent" and sent back. If the accused applies to the court, the proceeding is to be summary and the mail is under the control of the court, and the issue of the fraud order may be further postponed on giving a satisfactory bond. Everybody is protected.

Mr. PAYNE. I do not see the use of changing the present law except to allow a party to go into court.

Mr. CRUMPACKER. The gentleman will have an opportunity to express himself later. Now, I started to explain the Kansas City case, and my time is rapidly expiring.

Mr. PAYNE. I hope the gentleman will have unlimited time.

Mr. CRUMPACKER. But the gentleman's endurance is not unlimited. [Laughter.]

Mr. STAFFORD. Will not the effect of your bill be to actually check the practice of the Department with reference to fraud orders, because at present the Department is not required to obtain legal evidence? Under your bill a person aggrieved can go into court within fifteen days after the issuance of the order and give a bond for \$500, upon which all proceedings will be stayed, and upon the trial of the case de novo nothing will be admissible except legal evidence. Will it not force the Post-Office Department, when they pass upon the issuance of the fraud order in the beginning to act upon only such evidence as would be competent in a court of law?

Mr. CRUMPACKER. Oh, no; not at all. The Post-Office Department will proceed in the same manner that it conducts investigations now.

Mr. STAFFORD. In the opinion of the Postmaster-General it should not be required in the original instance to be issued upon so-called "legal evidence." For the prevention of fraud, in many cases, it is necessary to have the fraud order issued forthwith.

Mr. LITTLEFIELD. Precisely. The Postmaster-General's proposition is that he will issue them with or without foundation.

Mr. CRUMPACKER. That is the practice.

Mr. STAFFORD. Well, he has that authority at present under the law. It is not the practice to issue them without investigation and foundation.

Mr. LITTLEFIELD. No; but he wants to.

Mr. STAFFORD. They are issued for the benefit of the largest number of people in preventing fraud.

Mr. CRUMPACKER. I want to say to the gentleman from Wisconsin [Mr. STAFFORD] that he wholly misunderstands or misconceives the effect of the bill in that respect. The Postmaster-General may proceed under the operation of this bill just as he proceeds now, and when he is satisfied that a citizen is abusing or prostituting the privilege of the mail he may issue a fraud order, and put it on record, and then serve notice on him. He may do that on the same kind of evidence as he does it now, and probably not in one case in ten will the person affected by the fraud order go to the expense and trouble of employing a lawyer and giving a bond to sue out an injunction. If he is a perpetrator of fraud, if he is a criminal, he will not do it, and then the fraud order of fifteen days will be made final. If there is an honest difference of opinion and the accused goes into court his case is tried in court upon legal evidence. That is all.

Mr. STAFFORD. I beg to differ with the gentleman as to the effect of the bill, for the Postmaster-General will not likely inaugurate a fraud order if it can not be sustained subsequently, except upon the presentation of legal evidence. Furthermore, I take exception to the gentleman's statement that these orders will not be appealed from, because in the majority of cases based upon fraud it will be to the interest of the fraudulent concern to appeal within fifteen days.

Mr. CRUMPACKER. In what way?

Mr. STAFFORD. Under that bill, within fifteen days he may

make an application and furnish a bond in the small sum of \$500, and that will stay the proceedings.

Mr. CRUMPACKER. It will not. The bill expressly provides that the Postmaster-General shall impound the mail in the delivery post-office until the case is disposed of.

Mr. STAFFORD. It does not prevent the Postmaster-General from paying the money orders that may be issued.

Mr. CRUMPACKER. It does. The gentleman had better read the bill before he makes such a criticism. I decline to yield to him further on that phase of the question.

Mr. MANN. But the gentleman is mistaken in that.

Mr. STAFFORD. I beg to challenge the gentleman's statement, as nothing is said in the bill pertaining to the restriction of the payment of money orders.

Mr. LITTLEFIELD. Why does not the gentleman get from the gentleman from Indiana his idea on that point?

Mr. CRUMPACKER. The bill is clear and shows for itself.

Mr. WILLIAMS. Here is the part of the bill I think the gentleman is referring to, on page 2, beginning on line 17:

Said order shall not become operative or put into execution (except to the extent of holding undelivered all mail directed to said party at the delivery office thereof) until fifteen days after the service thereof, etc.

That would include the money-order mail as well as any other.

Mr. STAFFORD. The money orders may be received through an express company.

Mr. CRUMPACKER. They can be sent through express companies, of course, but that I think is a captious objection, because the probability is so remote.

Mr. LITTLEFIELD. If that is not covered, I think it ought to be.

Mr. CRUMPACKER. Mr. Speaker, I started to explain the Missouri case, for the purpose of illustrating the scope of the law. The local judge in determining that case found that the whisky was not 9 and 14 years old, as advertised, but he said it was worth the price charged for it, that the selling price was a fair and reasonable price, and in his opinion the fraud-order law was not intended to be applied to transactions of that kind, where the purchaser got a fair equivalent for the money he invested; and he decided that the Postmaster-General had no jurisdiction of the case. An appeal was taken by the Government of the United States to the circuit court of appeals and the circuit court of appeals reversed the lower court, holding that the law applied to all kinds of cases—that it made no difference if a man through the mails, on the statement or representation of another individual, bought an article and got his money's worth, if he was promised more than his money's worth and did not get more than his money's worth, it was a fraud in the sense of that law. Now, the bill under consideration, I think, adequately protects the public. It undertakes to provide that questions of fraud and of criminality, always of such vital importance, shall be tried and determined according to established methods and usages of civilized countries. It undertakes to relieve the public from the danger of despotic and, possibly, tyrannic bureaucracy. I believe there is no more glaring instance of bureaucratic government, with irresponsible and despotic power vested in a head of a department, in any country that pretends to constitutional government or any degree of individual liberty on earth than that contained in the fraud-order power in the statutes under consideration. I believe that when a citizen is charged with fraud—charged with criminality—he ought to have the right to insist that these charges affecting his reputation and his business shall be established by competent evidence, by responsible witnesses testifying under the sanction of an oath; that he should have a hearing according to established procedure. Established procedure is just as essential to the liberty of the person and safety of property as any constitutional guaranties of liberty possibly can be. It might be said that when a citizen is lynched, if the victim is guilty, no harm is done; but it is a crime against government, a crime against civilization, breeding contempt for law and social order. If a man is guilty of any sort of crime he has the right to have that guilt determined by the courts of the land according to procedure that has been established as the result of generations of wisdom and experience. It is the right of the humblest citizen of the land—a right guaranteed by the Constitution and demanded by every instinct of true liberty. It is one of the very fundamental features of our Government.

Mr. MANN. Does the gentleman have reference to the Brownsville soldiers; to the soldiers in connection with the Brownsville incident?

Mr. CRUMPACKER. I am not going to be sidetracked, Mr. Speaker, into a discussion of the Brownsville controversy. In the first place I regard the fraud-order statute as illogical. I

believe it is unscientific; I believe it is undemocratic. I do not believe any executive department of government or bureau officer ought to be vested with the collateral power to go out and condemn citizens without a hearing, to enforce the police laws of the country. But in view of the fact that the mails afford such easy facilities for the perpetration of fraud throughout all parts of the country, it may be that the fraud-order statute ought to continue, provided persons who are aggrieved by the decisions of the Postmaster-General shall have the right to go into the courts and have an investigation of questions of law and facts publicly, with an opportunity to demonstrate their innocence, if they be innocent.

Mr. MANN. At some time in the gentleman's remarks I would like to ask him a few questions about the bill.

Mr. CRUMPACKER. I am substantially through now, and I will answer any questions about the bill.

Mr. MANN. I may say to the gentleman, so far as the proposition of having some reviewing authority in some way or a public hearing in some way is concerned, I quite agree with him; but the questions I desire to ask are relative to principles and details of the gentleman's bill. I notice, first, that the bill seems to apply only to citizens of the United States. Do I understand it to be the purpose of the gentleman that any foreign person who makes use of the mails of the United States shall still be debarred from the use of the mails upon the mere ipse dixit of the Postmaster-General?

Mr. CRUMPACKER. Where is that provision?

Mr. MANN. First page, "whereby any citizen of the United States, or any firm or corporation organized under laws thereof, or under the laws of any of the States, Territories, or possessions thereof," etc.

Mr. CRUMPACKER. Well, perhaps that ought to be amended so as to read, "any person residing in the United States."

Mr. MANN. Well, not necessarily residing in the United States even. Suppose somebody in Germany—

Mr. PERKINS. Will the gentleman yield for a question?

Mr. MANN. I will be glad to if the gentleman from Indiana will yield to the gentleman to ask the question.

Mr. CRUMPACKER. I will be pleased to do so.

Mr. PERKINS. Does not the gentleman recognize a difference in principle between the right of citizens of the United States to the free use of the mails of the United States unless deprived by action of law and the right or the mere courtesy extended to a foreigner?

Mr. MANN. I had not made any suggestion myself as to that. I was trying to ascertain from the gentleman in charge of the bill what he meant by the bill, and was going to suggest to him, as I will now to the House, that if it should be contended that the privileges of this bill will only be extended to citizens of the United States, and the attempt be made to bar foreigners, I wish to suggest that most of the treaties we have would still permit the foreigners to avail themselves of the privileges of this bill.

Mr. CRUMPACKER. I do not believe it ought to be limited to citizens. I think it ought to be limited to persons residing in the United States.

Mr. LITTLEFIELD. Residents doing business?

Mr. CRUMPACKER. Yes.

Mr. MANN. I thought the gentleman had a reason for making it "citizens."

Mr. LITTLEFIELD. That would make it firms or corporations doing business under the laws thereof.

Mr. MANN. I should say that if it were made to apply to anybody, it ought to be made to apply to any persons using the mails of the United States.

Mr. LITTLEFIELD. Or corporations.

Mr. MANN. Corporations are included by the word "persons." May I ask the gentleman in reference to paragraph d, on page 2? It says:

Said orders shall not become operative or put into execution (except to the extent of holding undelivered all mail directed to said party at the delivery office thereof).

And so forth. In other words, it is proposed by a mere parenthetical clause to give to the Government the right to retain the mail in the post-office. It seems to me that that is not quite the right way to get at it, but I want to ask the gentleman whether it will not have the effect under this bill, as it would under the existing law, to drive a man out of business if you would issue an order declaring that he is a fraudulent concern, holding his mail up for fifteen days, and if he does appeal, then holding it up until decision of the court, which might be in one year or two years? What will be left of the man's business at the end of that time, with his mail undelivered all the while?



Mr. CRUMPACKER. I would like to ask the gentleman from Illinois what side of this question he is on?

Mr. MANN. "The gentleman from Illinois" is not on either side of the question. He is trying to ascertain a proper method to legislate to correct an abuse which everybody recognizes without creating a greater abuse in the new legislation.

Mr. CRUMPACKER. I want to say this to my friend, that we can not enact any law that will leave this power with the Postmaster-General that will not bring some hardship to somebody, and the purpose is to devise a plan that will result in the least embarrassment and the least hardship. Under existing conditions a fraud order is issued peremptorily. The mail is returned, stamped "fraudulent," to all parts of the country, and the defendant, if he may be so properly termed, has no relief. Now, the proposition is to give him an opportunity to go into the courts.

Mr. MANN. What good would it do him?

Mr. CRUMPACKER. I want to say that it would do him some good. My friend from Pennsylvania [Mr. DALZELL] says that all he needs is the right to go into the courts.

Mr. MANN. The right is not given him to go into the courts and get his mail. What good will it do a man to give him the privilege of getting his mail at the end of two years' time, or maybe four?

Mr. CRUMPACKER. The Government and the defendant himself are the parties interested, and the bill provides for a summary hearing, whatever that may be, and it confers upon the court a discretion to dispose of the mail. The court may, upon proper bonds, perhaps, turn the mail over to the defendant pending the litigation.

Mr. MANN. You limit the bond to \$10,000 in this case.

Mr. CRUMPACKER. That is a bond for a stay of the order.

Mr. MANN. The court has no authority to take any other bond?

Mr. CRUMPACKER. The bill provides, in an independent paragraph, that the disposition of the mail shall be subject to the order of the court, but does not say what security the court shall take. It is a discretionary matter with the court as to what shall be done with the accumulated mail. The court has power to dispose of it and to fix the terms. The additional bond of from \$500 to \$10,000 is to further postpone the time when the fraud order may issue. That is all.

Mr. MANN. If the gentleman contemplates that the mail shall not be retained in the post-office, but shall be turned over to the defendant, or the person against whom the fraud order is directed, under an order of court, then I think we ought to legislate upon that subject and not leave it to any man to determine one way or another.

Mr. CRUMPACKER. We can not get an ideal plan. The only ideal plan would be to repeal the fraud-order statutes altogether. That would be in harmony with the system of administering justice throughout this country, but there is objection, and perhaps valid objection, to it.

Mr. MANN. Nobody wants to repeal it, I suppose.

Mr. CRUMPACKER. Therefore, the next best thing is to secure the defendant a right to go into the court, and, along with that, protect the public against concurrent impositions and frauds, and we have devised this plan. If the gentleman can think out a better plan and put it in form, I am willing to accept it.

Mr. MANN. I think the gentleman from Pennsylvania [Mr. DALZELL] has already thought out a better form.

Mr. CRUMPACKER. Then the gentleman can support it.

Mr. MANN. I will say to the gentleman, so far as I am personally concerned and my views are concerned, it is not so much the interests of the persons who are inhibited from the use of the mails by the fraud orders as it is the interests of the Government that concern me.

It looks to me, if I may make the suggestion, in order to obtain his views on the subject, it looks to me as if this would be the result: Take a firm in Portland, Me., that is engaged in defrauding the people of Illinois and Indiana—and they are very easily defrauded—by glaring and glowing circulars, and a fraud order is directed against him. Within the fifteen days' time he appeals to the court and has all the evidence of what he is doing. It will not be easy for the Government to obtain evidence at the end of two or three years' time, after the business has completely ceased. After he has lost all the trade, after he has secured a judgment in his favor in court, he promptly comes to Congress with a moral claim, which even the gentleman from Indiana would not be able to withstand, insisting that the Government of the United States should pay him for the business which the Government has destroyed. I have not the slightest doubt that within a few years' time we

would have claims for millions, and claims not only pending, but paid.

Mr. CRUMPACKER. I have no apprehension as to that. I think that is altogether chimerical.

Mr. MANN. I think if the gentleman will listen to my remarks for a little while upon this bill he will not think it is so fanciful.

Mr. CRUMPACKER. I will listen to the gentleman.

Mr. MANN. May I ask the gentleman what he means by this in his bill, on page 4: After providing that a record of all the evidence of the United States Post-Office Department shall be transmitted to the court within thirty days' time. Thirty days, by the way, would not enable the court through the course of the mails to receive the record from the Philippine Islands?

Mr. CRUMPACKER. This law does not go to the Philippine Islands.

Mr. MANN. I beg the gentleman's pardon; why not?

Mr. CRUMPACKER. Because it does not.

Mr. LITTLEFIELD. That is merely directory and not mandatory.

Mr. CRUMPACKER. Because the statutes for the Post-Office Department do not go to the Philippine Islands.

Mr. MANN. It goes to Alaska?

Mr. CRUMPACKER. Yes.

Mr. MANN. The same rule applies to Alaska?

Mr. CRUMPACKER. Yes.

Mr. MANN. Does the gentleman mean to say that a man engaged in the United States in the fraudulent use of the mail can immediately step over to the Philippine Islands and make use of the mails and it has no power to bar him from doing so or have a debarment removed?

Mr. CRUMPACKER. This bill does not change or affect the power of the Government over him there.

Mr. MANN. Then he is to be left without redress under the gentleman's bill. It is either one way or the other. Now, which do you say?

Mr. CRUMPACKER. It is one way or the other. As I understand it, the Postmaster-General, in the regulation of affairs in the Philippine Islands, will not be affected one way or the other.

Mr. MANN. Then there is no redress against this so far as the Filipino is concerned?

Mr. CRUMPACKER. Perhaps not.

Mr. MANN. Now, may I ask the gentleman, having provided the record shall be turned over to the court, what is meant by this:

And such records and evidence as may have been returned into said court under said writ of certiorari shall be received in evidence in said court on behalf of either party at the hearing of said matter, so far as the same may be competent and relevant to the issues therein.

The gentleman has stated in the course of his remarks that this evidence which was produced was not sworn testimony.

Mr. CRUMPACKER. Yes.

Mr. MANN. If that is so, then this provision that this shall be received is mere idle verbiage.

Mr. CRUMPACKER. There may be some original documents in the evidence.

Mr. MANN. Then what does the gentleman mean by competent evidence? Does that mean competent evidence that is competent in a court or competent evidence of a person that is competent to be a witness in the ordinary way?

Mr. CRUMPACKER. I mean evidence that would be admissible in the administration of justice in the courts.

Mr. MANN. Then I think the gentleman has used the wrong term. I have no doubt, myself, that under the provisions of the term which the gentleman uses every particle of evidence that is in the hands of the Post-Office Department that relates to this subject-matter, letters or evidence of any sort, would be admissible, including any kind of a statement which the defendant chose to make before the post-office inspectors.

Mr. CRUMPACKER. The gentleman thinks that is competent evidence, does he?

Mr. MANN. That is competent evidence, in the use of the term here.

Mr. CRUMPACKER. I think not.

Mr. CLAYTON. That would be for the court to decide.

Mr. MANN. Oh, no; that is for the Congress to decide in the first instance, as to what is intended.

Mr. CRUMPACKER. I undertake to say that the term "competent" there means admissible evidence, evidence admissible to prove or disprove an issue of fact in a court of justice.

Mr. MANN. Evidence is admissible. That means one thing. The question as to how it is presented is another thing entirely. If you can present it by sworn witnesses, that is one thing.

Mr. CRUMPACKER. That is the only kind of evidence that is competent.

Mr. CLAYTON. It might be a written document.

Mr. MANN. "Competent evidence" means one thing. The competency of witnesses is an entirely different thing.

Mr. CRUMPACKER. Competent evidence means evidence, oral or documentary, that is admissible to prove or disprove a question of facts in a court of justice.

Mr. MANN. Assuming the gentleman's position to be correct, then, as I understand it, if a fraudulent concern in Chicago chooses to advertise principally in Louisiana or California (and the common experience is that these fraudulent concerns do not advertise at home, but abroad) the Government, in order to sustain its case, must bring those witnesses from abroad to prove its case.

Mr. LITTLEFIELD. Or take their depositions.

Mr. CRUMPACKER. Or take their depositions, yes; because the bill provides a civil proceeding and, therefore, they may take depositions of witnesses anywhere.

Mr. MANN. They may take their depositions.

Mr. CRUMPACKER. That is not a hardship, is it?

Mr. MANN. These people must be produced from abroad.

Mr. CRUMPACKER. Their testimony must be obtained. Is that a hardship? If you are trying a \$5 lawsuit in court, you must bring sworn testimony.

Mr. MANN. I am trying to ascertain from the gentleman what the fact is.

Mr. CRUMPACKER. The gentleman is telling me what the bill means.

Mr. MANN. I am trying to ask the gentleman what the bill means. I have been utterly unable, after careful study of the bill, at least such study as I was able to give it, to get much idea of what the bill means, which the gentleman says is so clear in its language.

Mr. CRUMPACKER. Then it is a question whose misfortune it is, the gentleman's or mine.

Mr. MANN. It is my misfortune that I have not the legal light of the gentleman from Indiana, and I hope he will pardon me for coming before him and asking for the light which I ought to have acquired naturally, but missed in that way.

Mr. BARTHOLDT. Has the gentleman from Illinois concluded his remarks?

Mr. MANN. No. Now, the gentleman from Indiana refers to a bond of \$10,000, providing that any person aggrieved by any breach of the conditions of said bond may maintain an action at law against the obligors. Will the gentleman tell us what that means? How does the bond that the gentleman provides for reach anybody who is aggrieved?

Mr. CRUMPACKER. If anybody is aggrieved by the proceeding, it reaches him. If nobody is aggrieved, then the bond will not concern anybody.

Mr. MANN. If anybody is aggrieved by the proceedings, a bond of \$10,000, it seems to me, is utterly insufficient. I do not see what the term means there.

Mr. CRUMPACKER. The main object of the bond is as a safeguard, to require good faith. Now, under the provisions of the bill it is very difficult for me to understand how anybody can be aggrieved. The correspondents who send the mail through the post-office can not be. Their mail is not delivered to the defendant, so they can not lose. If he wins the case in the courts, it will be because he shows that he is not engaged in criminal or fraudulent practices, and the accumulated mail can be safely turned over to him.

Now, in order to prevent a man who might not go into the courts in good faith a bond is required. In the first place, a bond of \$500 is required. In order to get a postponement of the date for issuing the fraud order, the court can require an additional bond of \$500 or \$10,000. A man who goes to the trouble of giving a \$10,000 bond is to that extent stamped with a badge of good faith that if anybody should be aggrieved or suffer damage, he would be reimbursed. I do not know who might be aggrieved, but it certainly tends to add to the safeguards and prevent irresponsible people from going into the courts for the purpose of litigation.

Mr. MANN. If nobody is aggrieved, I do not see the object of putting it in, but as it is in, I wondered to whom it referred.

Mr. CRUMPACKER. It is to secure the Government against vexatious litigation by men who might not carry it on in good faith.

Mr. MANN. I would like to ask the gentleman a further question. The gentleman realizes that there are a large number of individuals who have been carrying on fraudulent business under different aliases. Does the gentleman think it would be competent evidence on a claim of fraud by the Gov-

ernment in one case to introduce in evidence the fact that these same people had been engaged in the same kind of business at another time and another place?

Mr. CRUMPACKER. That is a serious problem.

Mr. MANN. And still it would not be competent evidence under the ordinary rules of law?

Mr. CRUMPACKER. It might be for the purpose of proving fraudulent or criminal intent. That question has been very nicely argued and discriminated by the supreme court of my own State.

Mr. MANN. This is not a case of criminal intent. This is an order directed against the people at this time who are engaged in the fraudulent use of the mails. As a matter of fact, we know that it is very important evidence, but I submit to the gentleman from Indiana that under the rules of law it would not be considered competent evidence.

Mr. CRUMPACKER. I think it would be.

Mr. MANN. The gentleman thinks it would be?

Mr. CRUMPACKER. I think it would be, under the statement made by the gentleman from Illinois.

Mr. BARTHOLDT. Mr. Speaker, I want to suggest to my friend from Indiana that it might be proper to answer the criticism of the gentleman from New York [Mr. PAYNE]. That gentleman suggested that this bill, if passed, might open the door for all kinds of lottery schemes, and that it would enable newspapers to carry advertisements of lotteries. I want the gentleman from Indiana to state, what is according to my own impression, that there is a special law prohibiting lotteries, and under that law the Post-Office Department would certainly be authorized to inhibit the advertisement of a lottery in any newspaper, irrespective of this act.

Mr. CRUMPACKER. The gentleman from Missouri is right, and I want to state that this bill in no respect changes the right of the Postmaster-General to issue a fraud order against institutions and citizens using the mail for the purposes of the lottery, excepting to authorize the person affected by the order under the conditions contained in the bill to go into the court and have a review of the questions of the law and the facts.

Mr. BARTHOLDT. That is what I wanted the gentleman from Indiana to state, because I think an erroneous impression has been created.

Mr. MANN. The difficulty with the gentleman from Missouri is that he has not read the bill, and the gentleman from Indiana has evidently forgotten the first section of the bill, which expressly provides—

That (a) the Postmaster-General shall cause to be kept a record of such orders as may be made in the Post-Office Department whereby any citizen of the United States (or any firm or corporation organized under the laws thereof, or under the laws of any of the States, Territories, or possessions thereof) shall or may be deprived of or excluded from the right or privilege of receiving letters, money orders, or other mail matter through or by means of the United States mail, and said record shall be designated "Fraud-order record."

So it covers lottery cases, and it covers any kind of a case. What is the use of quarreling about the language of the bill when it is stated in plain words?

Mr. CRUMPACKER. The gentleman from Illinois misunderstands my attitude entirely. I say that it does cover lotteries; it applies to the whole fraud-order business.

Mr. MANN. I thought the gentleman from Indiana stated that he agreed with the gentleman from Missouri.

Mr. CRUMPACKER. I said it only affected lotteries in the same manner that it affected other transactions that may be made the basis of a fraud order. It does not repeal the law authorizing the Postmaster-General to issue fraud orders against lottery concerns, as the gentleman from Missouri may have implied in his question.

Mr. BARTHOLDT. I wanted to call attention to the fact that the lottery is covered by a special law.

Mr. CRUMPACKER. It is; it is a crime, and the persons guilty of engaging in it are amenable to the criminal laws of the country in addition to other liability.

Mr. MANN. But the bill sustains precisely the statement of the gentleman from New-York [Mr. PAYNE] with reference to lotteries.

Mr. CRUMPACKER. Well, I do not know. The gentleman from Illinois [Mr. MANN] seems to be peculiarly and unusually contentious this afternoon. I don't know that I ought to say that, and perhaps ought to withdraw the statement.

Mr. MANN. Oh, it will be news to most of the Members of the House to know that the gentleman from Illinois [Mr. MANN] was unusually contentious. [Laughter.]

Mr. CRUMPACKER. It would be a pretty bad situation. Now, I have concluded all I have to say in opening the discussion on the bill. [Applause.]



Mr. DALZELL. Mr. Speaker, I propose to offer an amendment to the bill, which I send to the desk and ask to have read. The Clerk read as follows:

Strike out all after the enacting clause and insert as follows: "That in all cases where any party is aggrieved in person or property by the action of the Postmaster-General, under sections 3929 and 4041 of the Revised Statutes, such party aggrieved shall have the right to have such action of the Postmaster-General reviewed by the Federal court of the district in which said party resides."

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LACEY). The gentleman will state it.

Mr. MANN. The bill has not been read for amendment, as I understand it.

Mr. DALZELL. But we are proceeding under the House rules. This is on the House Calendar open to amendment at any time. The bill was read as a whole under the rules, and is open to amendment at any time, as I understand it.

Mr. LITTLEFIELD. It does not have to be read for amendment.

Mr. DALZELL. Not at all.

Mr. GILBERT. Does not that authority exist now under the present law?

Mr. DALZELL. No.

Mr. MANN. The bill was read a first time? Mr. Speaker, a parliamentary inquiry. What is the status of the bill?

The SPEAKER pro tempore. It is open for amendment in any place.

Mr. MANN. Has the bill been read a second time?

The SPEAKER pro tempore. It has had its second reading and is before the House.

Mr. MANN. I understood the bill had been read only the first time.

Mr. CLARK of Missouri. We always waive the first reading.

Mr. DALZELL. It is not necessary to have a bill on the House Calendar read for amendment. It is open to amendment at any time.

Mr. MANN. It is necessary to have the first reading. I did not know whether that has been had or not.

Mr. DALZELL. Mr. Speaker, I do not propose to occupy the attention of the House at any length. I am in entire sympathy with the object sought to be accomplished by the bill of the gentleman from Indiana [Mr. CRUMPACKER]. My only objection to it is that it builds up a new machine that is utterly unnecessary to accomplish the purpose he seeks to accomplish. It is perfectly apparent that the existing machinery of the courts is entirely sufficient to afford the citizen relief. We have a case here where a party went into court to have his case adjudicated, but it turns out that the only reason he could not get relief was that the law provided that the decision of the Postmaster-General in the case should be final. If the machinery is perfect as it is, the methods prescribed, the form of pleading, and the form of notice, and all that—in other words, the entire machinery is perfect to afford the citizen relief, if the court has the necessary power, all he has to do is to have the court have jurisdiction to adapt the machinery to his case. What necessity is there for our building up a new procedure, such as is sought in this bill?

Mr. PERKINS. Will the gentleman yield for a question?

Mr. DALZELL. Yes.

Mr. PERKINS. What procedure does the gentleman claim would now be possible for any citizen? He can sue out a writ of certiorari. What else can he do?

Mr. DALZELL. He can ask for an injunction.

Mr. PERKINS. But he can not secure an injunction as the law is now.

Mr. DALZELL. He can not get an injunction as the law is now, because the court has held that the decision of the Postmaster-General upon the facts is conclusive and can not be reviewed.

Mr. PERKINS. How would the amendment the gentleman has suggested relieve that?

Mr. DALZELL. It would give the court jurisdiction to administer the law under the existing machinery.

Mr. PERKINS. But I am not sure of that. I should fear very much that the result the gentleman seeks to attain would not be reached by his amendment. I think the gentleman and I concur as to the object to be attained, but I should hate to vote for his amendment, because I fear we might fail of our object. The bill offered by the gentleman from Indiana [Mr. CRUMPACKER] may perhaps be criticised in some of its details. It might be made shorter. Still it does describe a method and procedure by which undoubtedly a man can have his rights tried in court.

Mr. DALZELL. Let me illustrate. Here is the case of the United States Bank against Henry J. Gilson, brought in the United States court under existing law. The complainant did

not fail because of any lack of machinery, any lack of method, of getting his case before the court. On the contrary, under existing law his case was fully heard and the court was ready to decide it and to decide it either for or against him on the merits, if it had had jurisdiction, but it did not have jurisdiction, but said, "You have brought in a court a case where you ask us to review a decision of an officer of the law who is clothed with the right of final decision in the matter." Now, I propose to take away that right of final decision from the officer of the law and let the existing machinery of the court be called into action to enforce the right of the citizen by a review.

Mr. PERKINS. If your amendment accomplishes the same result, then the procedure would be necessarily the same as under the bill of the gentleman from Indiana. If jurisdiction is given as you desire, action would be brought and witnesses would have to be present and—

Mr. DALZELL. But why give in detail—why prescribe some new method when existing methods are all right?

Mr. LITTLEFIELD. What new method is prescribed?

Mr. DALZELL. There is a lot of detail here about orders, etc.

Mr. LITTLEFIELD. You propose to go into court with your proposition and we go in with this proposition. I would like to know where there is any provision in the bill that creates any new affirmative legal right or changes the practice of the courts or does anything except prescribe where and how these rights are to be established.

Mr. DALZELL. Then what is the necessity for the bill of the gentleman from Indiana?

Mr. LITTLEFIELD. The necessity is this: This bill in terms expressly provides so that the action of the Postmaster-General in matters of law and fact can without any question be reviewed by the court and the court be allowed to say whether the decision should be sustained or not, and then it further provides details, by virtue of which these orders can go into effect for a while. The gentleman's proposition would allow the order to be suspended immediately.

Mr. DALZELL. I did not yield the floor for a speech.

Mr. LITTLEFIELD. I beg your pardon, but as a member of the committee I felt I ought to call the attention of the House to the fact that there is no substantial distinction except the bill makes it certain the court can revise these decisions from their point of view lawfully on questions of fact, and I submit to the consideration of the gentleman from Pennsylvania whether his amendment does go quite as far as that.

Mr. DALZELL. I submit to the gentleman the evidence before us in the report of the committee is that the machinery of the courts as now existing is adequate to supply a remedy if it were not for the fact the decision of the Postmaster-General in the premises is conclusive and not a subject of review. Now, I propose to make it a subject of review. That is all.

Mr. LITTLEFIELD. Well, it is already reviewed. It is now reviewed by the district court on the application for injunction, and the result of the review is that the determination of the Postmaster-General is final. Now, you simply provide also for a review, but are you going to allow the review to go both to the facts and the law?

Mr. DALZELL. Certainly.

Mr. LITTLEFIELD. Your amendment does not say so, but the bill from the committee makes it certain. I have not the slightest doubt the gentleman from Pennsylvania agrees with us in the result desired to be accomplished by the legislation, but the bill of the committee makes some restrictions and gives the Post-Office Department some leeway—

Mr. DALZELL. I see the point made by the gentleman.

Mr. LITTLEFIELD. There is this element of fifteen days, which we think is a perfectly reasonable proposition—

Mr. DALZELL. And I am willing to add to the amendment, if the gentleman thinks it is lacking in that respect, "both law and fact."

Mr. LITTLEFIELD. I have not any authority to make any change in the bill. I am not responsible for any of its provisions. I was not in the committee when it passed, but my own judgment is the bill is perhaps longer than entirely necessary; but it has been well considered by the committee, and, however diffuse it may be in detail, there is one thing certain, and that is it will adequately protect the rights of the Department and the rights of the men to be affected by the order. The committee felt, I have no doubt, that without this detail we would not be sure to accomplish this result.

So far as I am concerned personally, I do not think that the bill goes far enough. I am willing to agree to it, however, under the circumstances, and we think it is very conservative on the lines suggested. I do not wish to antagonize the amendment of the gentleman from Pennsylvania [Mr. DALZELL], except to say

that the committee has spent a good deal of time on this bill, and are satisfied that it reasonably takes care of all the rights of the Department and reasonably takes care of all the rights of the people affected by these orders, and it seems to me it is a bill that should be adopted, and I think we may go further and say, while I was not present at the hearings, that the amendment suggested by the gentleman from Pennsylvania would be vastly more offensive to the Post-Office Department and very much more a subject of their criticism from their point of view than is the more conservative measure which is before the House, and I hope under these circumstances the amendment of the gentleman from Pennsylvania will not prevail.

Mr. HINSHAW. Will the gentleman permit me to ask a question?

Mr. DALZELL. Mr. Speaker, I wish to amend my amendment as I have indicated. I have inserted the suggestion of the gentleman from Maine [Mr. LITTLEFIELD].

The SPEAKER pro tempore (Mr. LACEY). The Clerk will report the amendment.

The Clerk read as follows:

After the word "review," in the seventh line, add, "both as to law and fact;" so as to read: "review both as to law and fact."

Mr. LITTLEFIELD. That covers that point.

Mr. HINSHAW. Does the gentleman from Maine [Mr. LITTLEFIELD] understand that on the amendment proposed by the gentleman from Pennsylvania, or the bill as it is now here, that before a court of review testimony must be taken de novo or simply upon the record presented by the Postmaster-General?

Mr. LITTLEFIELD. Under the bill presented by the committee testimony can be taken de novo. Whether under the amendment of the gentleman from Pennsylvania it could be done I do not want to say, but I think probably it could.

Mr. HINSHAW. The testimony taken is not on cross-examination or oath.

Mr. LITTLEFIELD. The testimony "taken below," and I have had some experience with the practice of the Department, is not testimony, and nobody undertakes to pretend it is, except as an original paper may be filed, or a letter may be filed that in the nature of the case would be evidence against a man writing the letter. I do not think anybody would pretend, even for a moment, that there is anything on file in the Department outside of records and correspondence that would be in the sense of testimony anywhere.

Mr. HINSHAW. But the man whose mail is impounded; he could put in his affidavit or his showing, or whatever he might have, against the order.

Mr. LITTLEFIELD. In case of a hearing before the court, as I understand the bill, the whole matter would be taken up de novo, and it is up to the Department, if it wants to keep a man from the use of the mail, to show by competent evidence that he is engaged in fraudulent practices and ought to be deprived of the use of the mails, and on that issue he would have a right to be heard by legal and competent testimony. Do I make that clear?

Mr. DALZELL. I understand the gentleman; yes.

Mr. KEIFER. Mr. Speaker, I rise to make a suggestion in opposition to the amendment offered by the distinguished gentleman from Pennsylvania [Mr. DALZELL]. The purport of his amendment is to give jurisdiction to some Federal court to determine the right of the Postmaster-General to issue a fraud order. Now, what court is intended we do not ascertain by the proposed amendment, which is a substitute for the bill under consideration.

Mr. DALZELL. The Federal court of the district in which he resides.

Mr. KEIFER. Does it so state?

Mr. DALZELL. Yes.

Mr. KEIFER. Then in that case you must serve the Postmaster-General and not proceed according to the method adopted in the case of the People's Bank of the United States v. Gilman, where it was sought to regulate the Post-Office Department through some of its subordinates. There has been no case attacking the head of any one of the Departments of the Government in seeking to control it by injunction or by mandamus or quo warranto anywhere in any of the States or Territories, except in the District of Columbia.

If we are going to give jurisdiction to the Postmaster-General, we should have to bring suit where you could get personal service upon him, and that would be in the District of Columbia, unless, possibly, he was found outside of it.

Mr. LITTLEFIELD. Well, I do not suppose the gentleman will contend that in a United States court the United States would not have jurisdiction?

Mr. KEIFER. Perhaps so, if you had a measure full enough to provide for acquiring jurisdiction elsewhere, and that is nec-

essary to its exercise; but the amendment does not provide for all this.

Mr. LITTLEFIELD. I agree with you there.

Mr. KEIFER. Take a case that arose some years ago in this city—the case of United States upon relation of one McBride against Carl Schurz, who was then Secretary of the Interior. In the supreme court of the District of Columbia a mandamus was applied for against the then Secretary of the Interior to compel him to deliver a patent for certain homestead lands in Utah. That court decided that it had no jurisdiction to determine whether the Secretary of the Interior should deliver the patent or not. In that case the patent, however, had been prepared, signed, and made ready for delivery when the Secretary of the Interior directed a subordinate clerk to cut into slips and thus annul it as far as he had power to revoke it. The relator, McBride, asked the supreme court of the District of Columbia to issue an order for the delivery of that patent, mutilated, as it was. That court held against its right to do it. The Supreme Court of the United States (102 U. S., 378) by a majority of the judges held that the supreme court of the District had jurisdiction, and should have issued the order against the Secretary, and the Supreme Court of the United States directed the supreme court of the District of Columbia to issue its mandamus requiring the Secretary of the Interior to deliver the patent to the homesteader. Now, it did it by virtue of a personal jurisdiction that was acquired over the Secretary of the Interior. He appealed to the Supreme Court of the United States afterwards to know whether he should be charged with the cost, alleging that he should because he had acted in an official character. The court again decided that it was a personal action against him for that purpose, and they adjudged that he should personally pay the cost of the procedure to compel him to issue the writ of mandamus.

Mr. GILBERT. Where did the suit originate—here?

Mr. KEIFER. It originated in the District of Columbia.

Mr. GILBERT. And it was because they secured personal service of the process.

Mr. KEIFER. They secured personal service of the process, and that would have to be obtained through some provision of law wherever you might proceed against the Postmaster-General to require him or enjoin him—and that is what is contemplated—to enjoin him from issuing these fraud orders; and every litigant would have to come to the District of Columbia.

Mr. DALZELL. Why, certainly not. The process would issue against the local postmaster through which the mail is to be distributed, just as it was in the case reported in which Judge McPherson made the decision.

Mr. KEIFER. Oh, no. It would not be efficacious. If you enjoin the postmaster of a little town out in Utah, the mails would still not be distributed in the cities of the United States. The proceeding would, in order to be efficacious, have to be against the Postmaster-General and enjoin him from issuing the order; and it might have to be mandatory and require him to revoke the order already issued. Under the amendment, everybody, every person, would have to come to the supreme court of the District of Columbia to bring his suit. It seems to me that there is not enough in the proposed amendment for the purpose of issuing summons and writs of summons and service upon the Postmaster-General. Service upon or suit against a mere postmaster in a city or village in one of the United States would not be the equivalent of a suit against the Postmaster-General, and would not affect the suspension or require the revocation of a fraud order. It may be possible that gentlemen can work out a mental theory about how they would proceed in a case of this kind, but it would not work out in practice. The case of the People's Bank of the United States at St. Louis against Gilman furnishes no precedent at all. It is no precedent; and if you are going to do anything in the way of giving the parties who feel aggrieved a remedy, it will have to be done in a bill of the character under consideration.

[Cries of "Vote!"]

Mr. MANN. Mr. Speaker, I have had some doubt at different times whether the existing law was too liberal or too strict. I have no doubt whatever that it is the sentiment of the people everywhere that a man shall be entitled to some kind of hearing before he is condemned.

Mr. BEIDLER. Even colored troops. [Laughter.]

Mr. LITTLEFIELD. The colored troops that fought so nobly.

Mr. MANN. And even in the House here it is fair that we hear the gentleman from Indiana before we condemn his measure. But, Mr. Speaker, the assumption has been made that under the present law the Post-office Department is ruthlessly engaged in wiping out legitimate business concerns of the United States. I hold in my hand a daily paper of yesterday, containing a number of advertisements which the existing law has not been able



to reach. The gentleman proposes to make the law more liberal instead of more strict.

Mr. LITTLEFIELD. It does not change it in the slightest, in that respect.

Mr. MANN. The gentleman, under the advertisements, has the opportunity offered to him to engage in various investment enterprises. Here is an advertisement covering half a page of a daily newspaper:

Chicago to New York in ten hours. Stock in Chicago and New York Electric Air-Line Railroad will advance to \$32 by January 12, and a week later to \$35. Great results accomplished in four months. Rare opportunity to make a fortune. January a record breaker.

And so forth.

The great work that has been accomplished has been accomplished at South Bend, in the State represented by the distinguished gentleman who is presenting this bill [Mr. CRUMPACKER], and it consists in this:

The St. Joseph county commissioners have passed franchise giving Air-Line 10 miles of double-track right of way to South Bend on county road for branch for main line.

Here is an advertisement, and the only practical work that has been accomplished is the right to build 10 miles of a branch line over a county road—on a road the main line of which is to extend from Chicago to New York and run its trains through in ten hours. That advertisement has been printed in numerous papers in this country time and time again, bleeding the people of this country by its fraudulent purposes and representations, and the gentleman would extend the liberality of the law, where it ought to be made more strict.

Mr. LITTLEFIELD. I should like to inquire what the Post-Office Department have done with what my friend refers to as a prima facie fraud, under the existing conditions, which enable them to issue an order on practically nothing. Have they stopped this institution? Have they found a way to do even that, assuming it to be a fraud? I know nothing about it.

Mr. MANN. They have not stopped this institution, because it is impossible to get the character of evidence which the gentleman would require under this bill. There is no human power to obtain legal and competent evidence to-day to show that this advertisement is a fraud, and yet there is not a man with any sense in his head who does not know that every word of it is a fraud and a lie.

Mr. LITTLEFIELD. Then let me say that this bill would not affect that condition one way or the other a particle. It would leave what my friend refers to as a colossal fraud where the Department now has left it. It would be hereafter just exactly as it has been heretofore, and the position would not be changed by a hair.

Mr. MANN. Now, Mr. Speaker, that is not the only advertisement of this kind in this same paper.

Mr. CRUMPACKER. I understand the gentleman's theory to be that where a man is guilty he has no right in the courts.

Mr. MANN. The gentleman can understand whatever he pleases. I can not prevent that.

Mr. CRUMPACKER. That is the logic of it, that if a man is guilty it makes no difference how he is convicted, whether by a mob or otherwise.

Mr. MANN. I did not suppose the gentleman would get frightened so early in my remarks. I will endeavor to reach the gentleman's bill later.

Mr. CRUMPACKER. I want to get at the gentleman's real attitude.

Mr. GILBERT. I understood the gentleman to say that was a patent fraud on its face from end to end. Now, why does the gentleman make the additional statement that, that being true, there is no legal evidence obtainable to establish the fraud?

Mr. MANN. I do not think that requires an answer. It is too simple for the gentleman from Kentucky to require an answer.

Now, Mr. Speaker, here is another advertisement:

The riches of Cobalt are beyond human belief. Greatest silver camp in the world's history. Government protects investors. Enormous fortunes being made. Dividends to stockholders for generations to come.

And a great deal more of the same kind in this advertisement. In this same edition of the same paper is the following:

How \$20 can make \$1,000. A proposition indorsed by bankers, manufacturers, wholesalers, railroad men, judges, and men of wealth and prominence.

I am surprised that it does not mention Members of Congress on the Judiciary Committee. [Laughter.]

Only a few days more at 10 cents a share. This stock has already jumped 100 per cent.

And various other statements of the same kind.

Mr. KEIFER. I want to find out what you are reading from.

Mr. MANN. The gentleman will find the same advertisements in all the prominent Ohio daily papers.

Mr. KEIFER. Will the gentleman tell me what paper he reads from?

Mr. MANN. I will not.

Mr. KEIFER. Is it a Chicago paper?

Mr. MANN. The gentleman can ask what he pleases. I do not propose to discriminate between the numbers of papers publishing these fraudulent advertisements by the connivance of Congress and to discriminate by naming one of them. The same advertisements are in the prominent papers of the gentleman's State, and the same advertisements are in the prominent daily papers of the State of the gentleman from Indiana.

Mr. KEIFER. I deny that.

Mr. CRUMPACKER. I deny that statement. The only advertisements of that kind that come into Indiana are contained in Chicago papers. [Laughter.]

Mr. MANN. While I have said that Indiana is the most fruitful field for advertisements of this kind emanating from Chicago, I deny that the only papers that go into the gentleman's State containing these advertisements are from Chicago. If the gentleman from Indiana and the gentleman from Ohio dare make the statement that their daily papers do not publish these advertisements, I will produce the papers containing them.

Mr. LITTLEFIELD. They have made that declaration.

Mr. KEIFER. I only deny so far as the papers generally in Ohio are concerned. We possibly have got a paper in Ohio somewhere that is as bad in the way of the publication of advertisements as the one from Chicago which the gentleman reads from. [Laughter.]

Mr. MANN. I notice, Mr. Speaker, that notwithstanding the insinuations of the gentleman, it is the Member of Congress from Chicago that insists on the strictness of the law, and it is the gentlemen from Indiana and Ohio that are insisting on letting down the bars. Why? That Chicago may swindle their people. I admit that it is not a difficult enterprise. [Laughter.]

Mr. OLMSTED. Will the gentleman yield to me for a question?

Mr. MANN. I will yield.

Mr. OLMSTED. I understood the gentleman to say that the postmaster had authority in the case I stated to exclude from the mails a little country newspaper which published advertisements of a milling company that offered a picture with every five sacks of flour.

Mr. MANN. It is unfortunate that the gentleman from Pennsylvania, usually so well informed about everything that comes before the House, should know so little about this subject.

Mr. OLMSTED. I am trying to get information.

Mr. MANN. I have never considered myself able to teach the gentleman from Pennsylvania. I have always knelt before him to receive instruction.

Mr. OLMSTED. I know; but I understand that information flows from the gentleman from Illinois, as Mark Twain would say, "like otter of roses from the otter." [Laughter.] I simply wanted information as to the power of the postmaster.

Mr. MANN. Now, Mr. Speaker, I have read from several advertisements in one daily paper, and gentlemen will find them in every daily paper of prominence in the country. These are not the only ones. I picked up at random one part of a Sunday daily paper and put it in my pocket this morning. There are four or eight pages probably out of the thirty-two, or such a matter, containing I do not know how many advertisements of this nature. Here is another one—calculated to receive special inducements from an excited and somewhat hysterical people:

Fortunes for all who invest now. The electric signograph and semaphore would positively have prevented all the recent horrible collisions. Had these instruments been in use these wrecks would have been avoided.

Then they name a number of wrecks. Then they continue with a lot of statements such as this:

There are, on an average, 500 railroad collisions on the railroads every month.

That is a lie.

More than 95,000 persons were killed in railroad wrecks last year.

That is a bold, unblushing lie. And yet these daily advertisements go on to show how speedily people may become rich who invest in this stock, and the purpose of the bill now before the House is to protect these people from the enforcement of the law denying them the use of the mails. These are the ones who advertise in the daily papers. There are hundreds of them in every large city who advertise in the monthly papers; there are many papers which live on the advertisements of this class of fraud. They are papers published in one city several hundreds of miles from home. Now, under this bill, there will be practically no method provided by which the Government can protect the weak against the strong.

Mr. PERKINS. I would like to ask the gentleman to explain to the House any possible way in which this bill could aggravate

this evil. Merely saying it has that effect is not satisfactory to the House.

Mr. LITTLEFIELD. If under existing law the Department can not rectify the menace contained in these advertisements mentioned by the gentleman from Illinois, would it not be a good idea to have the law changed?

Mr. PERKINS. I think so; yes.

Mr. MANN. Why does the gentleman say that under the existing law the Postmaster-General and the Post-Office Department can not rectify these frauds that are charged? There never has been a Postmaster-General and there never will be who can rectify and correct every fraud the moment it commences. The gentleman would prevent its correction at any time. These advertisements are fraudulent to-day. It takes time to make an investigation. The Post-Office Department does not act without an investigation, as the gentleman from Indiana [Mr. CRUMPACKER] would have us believe. It takes time to make these investigations, and by the time they reach the investigations and enter the order the gentleman would have a bill passed prohibiting the Postmaster-General from acting upon anything but legal and competent evidence. Who can say, as a matter of competent evidence, that they will not be running trains from Chicago to New York in ten hours, or ten minutes? Does the gentleman from Maine [Mr. LITTLEFIELD] pretend to say that he can swear in court, as a matter of competent evidence, that this company can not construct a road which will run trains in ten hours between Chicago and New York? A few years ago the gentleman would have said it would be impossible to communicate between Chicago and New York in less than ten days, and yet now it is done in ten seconds. Who can say as a matter of competent evidence? Yet we all know that the purpose of these advertisements is to defraud the purchaser of the stock.

Mr. CRUMPACKER. Sixty or seventy years ago if this fraud-order statute had been in operation, advertisements proposing communication between Washington and Chicago in ten minutes would have been tabooed and driven out of existence under a fraud order.

Mr. MANN. Yes; and they would have been inserted for the purpose of defrauding people. The men who actually do these things are not advertising stock in this way. If they had this thing which they believe was good, they would not be offering the stock for a mere song. The purpose of this enterprise is to fleece the public out of the money in its pocketbook, taking it away from the innocent constituents of the gentleman from Indiana [Mr. CRUMPACKER] and of the able gentleman who represents the district of Rochester [Mr. PERKINS].

Mr. PERKINS. Does the gentleman mean to say to this House that if he were a prosecuting attorney he could not prove those advertisements were fraudulent before any court?

Mr. MANN. I say that nobody can prove they are fraudulent.

Mr. PERKINS. If he says so, then he is a very much poorer lawyer than I had always supposed him to be.

Mr. MANN. That is very likely. The gentleman from Illinois [Mr. MANN] makes no pretensions to be as distinguished a lawyer as the gentleman from New York [Mr. PERKINS]. I have often heard the gentleman from New York [Mr. PERKINS] prove things that were not true [laughter], and I have often listened to him split hairs in the House. I have not yet reached his height in the legal profession, but I doubt whether even he will be able, with all of his acumen, to prove, as a matter of competent testimony, this thing.

Mr. PERKINS. I would like to go to the jury on that question with the gentleman.

Mr. LITTLEFIELD. The gentleman from Illinois [Mr. MANN] is very sincere and conscientious as well as able. [Prolonged laughter.]

Mr. MANN. Oh, now!

Mr. LITTLEFIELD. Well, I thought there ought to be a bouquet coming from this side to the other instead of having them all come the other way. The gentleman has read these advertisements upon the assumption that they justify him as a Member of the House in asserting that they are prima facie fraudulent, and they are the basis of his statement. Does he not believe that the advertisement itself, assuming that it justifies his conclusion, and I do not criticise that—doesn't he think that that of itself would substantially make a prima facie case, assuming now that he feels justified in making the assertion that he does?

Mr. MANN. Mr. Speaker, it is a remarkable circumstance that the gentleman from Maine [Mr. LITTLEFIELD] criticises the action of the Post-Office Department because it acts without evidence and then proposes to do more than the Post-Office Department ever has done in arbitrary action.

Mr. LITTLEFIELD. Oh, not at all.

Mr. MANN. The gentleman from Maine [Mr. LITTLEFIELD] would take the advertisement and rule a fraud order at once, and yet in its most tyrannical day the Post-Office Department has never done that.

Mr. LITTLEFIELD. I beg the gentleman's pardon. The gentleman from Maine did not make any such suggestion.

Mr. MANN. I beg the gentleman's pardon. It is sometimes difficult for me to understand what the gentleman from Maine means. His words and sentences are sometimes slightly involved, though always clear.

Mr. LITTLEFIELD. Yes; that is true; but the gentleman from Maine regrets his inability to express himself clearly.

Mr. MANN. Oh, the gentleman from Maine is always clear. Mr. LITTLEFIELD. But the gentleman from Maine is trying to get an opinion from the gentleman from Illinois [Mr. MANN] on the basis of his own statement, and not to suggest his own construction or statement. I regret very much that I did not succeed in making myself clear. Perhaps I have now.

Mr. MANN. I am not proposing a bill. I am not asking the House to pass a measure which I have proposed. It is not a part of my province to do anything but lay the facts before the House as I see them. The fact is that these advertisements are inserted. They are published throughout the country. Nobody yet has been put on the fraud-order list because of them, and yet the gentleman's bill, if the Post-Office Department should put them on the fraud-order list, does not put them out of business—

Mr. LITTLEFIELD. Until they have had a chance to be heard.

Mr. MANN. Now, Mr. Speaker, I want to call the attention of the House to what seems to me to be the gist and foundation of this bill. I agree with the gentleman from Indiana and the gentleman from Maine and the gentleman from Pennsylvania that there ought to be some method by which the Attorney-General for the Post-Office Department shall not have the right on his own dictum to determine whether somebody shall use the mail. I think there ought to be in the Government a method provided, either by a hearing by the administrative officers that is public in its character or a review before a court; but the bill which is now proposed before the House, besides being cumbersome, accomplishes not the result which the gentleman proposes, but an entirely different result. Let us see what the bill says. The bill provides that if a fraud order is issued the mail shall be held for fifteen days; that during the fifteen days the person against whom the order runs can enter suit in the United States court, and thereupon the mail shall continue to be held by the Post-Office Department until the determination of the suit or until some different disposition shall be ordered by the judge. The disposition of the mail depends upon the final result of the suit. There will ordinarily be no order for the disposition of the mail until the final determination, so that this bill provides that the mail of the party shall be held until the final trial of the case. That probably will not come for one or two years. The proceedings may be in Maine, probably, and the witnesses will live in Indiana. That is where most of them probably will live, or possibly in the Rochester, N. Y., district, and it will take some time to produce the testimony; it will take a considerable length of time to reach the testimony and to obtain it, so this case goes on. Gentlemen well know that it takes a long time to get these cases heard in a court. Meanwhile the mail is accumulating and the party has been deprived of the use of the mail and has gone out of business.

Mr. LITTLEFIELD. May I call the attention of the gentleman to this fact, that the bill in terms provides that the disposition of the mail shall be subject to the order of the court?

Mr. MANN. Well, if the gentleman had listened to what I just said he would have discovered I have just covered that whole question.

Mr. LITTLEFIELD. I beg the gentleman's pardon.

Mr. MANN. But the gentleman diverts his attention to have a conversation with somebody else and misses the best part of my remarks.

Mr. LITTLEFIELD. Of course it is very unfortunate I do not hear every word the gentleman says.

Mr. MANN. It is unfortunate; the gentleman from Maine would be greatly instructed.

Mr. LITTLEFIELD. The misfortune is mine.

Mr. MANN. Not mine.

Mr. LITTLEFIELD. Not at all; it is not your fault.

Mr. MANN. Now, what is the result, Mr. Speaker? The gentleman from Indiana said that the suggestion which I made a while ago was idle fancy. I said then, and I say now, in all seriousness that every time a proceeding of this sort is had and the United States is defeated in its efforts and a fraud order is



set aside, the man's business having been ruined, he will knock at the doors of Congress for relief with a claim morally valid. The gentleman from Indiana makes light of it. It is a serious proposition.

Mr. CRUMPACKER. Let me ask the gentleman how many claims have been presented to Congress for damages under the existing fraud-order law?

Mr. MANN. How many claims?

Mr. CRUMPACKER. Yes; how many have been presented? Does the gentleman know of a single claim that has ever been presented under the present arbitrary method where the citizen is denied absolutely any of the rights that are afforded men in the courts of the country?

Mr. MANN. There are just as many claims presented as the courts have decided cases against the United States. Of course there could be no claim presented to Congress up to the present time, where in every case the exercise of authority by the Postmaster-General has been sustained, but the gentleman's bill proceeds upon the theory that there will be cases where the Postmaster-General will be overruled, and I say that in every one of those cases there will be a claim presented to Congress for ruining the man's business.

Mr. CRUMPACKER. The gentleman's idea is this, that when a man wins in a contest he has a right of action for damages, but when he loses he has none. Is that the theory of the gentleman? When he wins out he suffers damage and when he loses there has been no damage to him?

Mr. MANN. The gentleman certainly is not serious in making the remark he does. If he is serious let me explain to him his own bill. Here is a proposition to hold a man's mail up for two or three years. How many people will have any business left at the end of that time? Here is a concern doing business, the gentleman from Indiana [Mr. CRUMPACKER] says, in Kansas City—a liquor house. How much business would the Kansas City liquor dealer have at the end of two or three years' time if he could receive no mail during that time?

Mr. JAMES. His whisky would have aged. [Laughter.]

Mr. MANN. Some gentleman makes the remark that the whisky would have aged, but it would have added nothing to the value of the whisky in that case, because that whisky was composed of poor neutral spirits colored with caramel and flavored with a rye flavor.

Mr. CRUMPACKER. How does the gentleman know that? Did he buy any of it? Was he a consumer?

Mr. MANN. The gentleman knows it in this way. The gentleman from Indiana [Mr. CRUMPACKER] says that the proposition of the gentleman from Kansas City was that he would send out whisky; you could drink it, and if it was not what he represented it to be, you could send it back. [Laughter.] That was the statement of the gentleman from Indiana.

Now, it is not well to say that these claims will not be presented. What have we now on the Calendar in the way of claims? The United States some years ago passed a law providing that there should be no seal catching in the Bering Sea off of the Pribilof Island. That law applied to the citizens of the United States and of the world. It was afterwards held in the arbitration with Great Britain that the United States had no authority to pass that law so far as foreign subjects were concerned. We seized a large number of vessels of American citizens for violation of that law, a plain, simple, straight violation of the national law; and the great Committee on the Judiciary, which has reported this bill, has also reported in a bill to reimburse the citizens who violated the law of the United States and engaged in the seal fisheries contrary to the statutes. No one would have thought when that bill was passed that Congress would ever consider a proposition to pay a man for a violation of the law, and I do not believe that the Committee on Claims, which has proper jurisdiction of this bill, would have reported it; but the Committee on the Judiciary—amiable gentlemen, sometimes easily imposed upon by fairy tales—swelling their hearts with sympathy for the defrauded, have indorsed a proposition to pay these people for a violation of the law of the United States.

A few years ago the State of Missouri presented a claim to the United States for money contracted in the equipment and pay of the enlisted Missouri Militia. Shortly after that claim was presented the State officials of Missouri put on record the statement that those claims were based on forgery, that they were fraudulent, that the great majority of them ought not to be paid, and yet we find upon the Calendar, reported from the Committee on War Claims, a bill already passed in the Senate of the United States, favorably reported to the House, which practically would mean the payment of all of these claims.

It is not difficult to make a claim against the Government. Claim agents never tire. They never cease. And I warn the

Congress that when a man has had his business closed up by the method proposed in this bill, if he succeeds in court, he will have a claim against the Government with so much moral equity in his favor that in the end it will be paid. If we confer any right, as I think we ought, upon these people against whom the order runs, we ought to confer that right in such a way that the case can be settled at the beginning, when there can be no claim against the Government.

I do not know whether the amendment offered by the gentleman from Pennsylvania [Mr. DALZELL] is sufficient or not, but it seems perfectly patent to me, at least, that the bill proposed by the gentleman from Indiana [Mr. CRUMPACKER] is not sufficient protection to the Government, and I think, personally, that when this matter comes again before the Judiciary Committee, at another session of Congress, it will give more careful consideration to the rights of the Government and the rights of the innocent as against the rights of those who live by their wits. [Applause.]

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. DALZELL].

Mr. OVERSTREET of Indiana. Mr. Speaker, I want to say just a word. We ought not to allow ourselves to be carried away with any prejudice which may arise from any extraordinary cases. This fraud-order law is intended as a protection to the innocent public against the numerous efforts to separate those people from their money through fraudulent methods. When we remember that the media of advertisements aggregate millions and millions, emanating from more than 40,000 separate periodicals enjoying the second-class privileges, and that hundreds of thousands of individuals and corporations using the mails other than by advertisement may use different media for getting their fraudulent methods to the public, we can appreciate the necessity of some restrictive measure for the protection of the people. Therefore in the passage of any law which would change this present arbitrary power under the fraud-order law care should be exercised that the basis of our efforts should be for the protection of the largest number and not a basis which should be for the protection of the persons against whom the orders may have issued.

The cases cited by the gentleman from Illinois, many of which advertisements I have myself seen in various papers of reputable standing, are to be found in greater or lesser degree with reference to numerous other projects. It is impossible for the Post-Office Department to inquire as to all of them. But the more flagrant cases which have come under the notice of the Department have been prosecuted with great diligence. I admit that this fraud-order law is an exceedingly powerful law. It is necessarily arbitrary, because of the purpose of the law to protect the great masses of the mail-using people. If, therefore, this bill, which is now brought in from the Committee on the Judiciary, should be passed as it is now before the House, I fear, with the hasty examination which I have given it, that its power for the investigation of actual frauds, frauds which will unquestionably deprive innocent people of their money, will be sufficiently depreciated or lessened that Congress will have made a very great mistake.

I am therefore, Mr. Speaker, against the bill. I do not believe the House ought to pass it, for the reason that it will in all probability result in greater harm than good. Yet, on the other hand, I am very frank to admit that there may be abuses of this arbitrary power. All arbitrary power that is conferred is subject to abuse. A dishonest official, an incapable official, a narrow-minded official, may exercise that arbitrary law to the great disadvantage of the people and might depart from the purpose of the law. But by the action of the liberal-minded official, the person who believes in the greatest possible liberality, an abuse may be permitted through his exercise of it. But the most of the people are protected in great degree against the thousands of fraudulent schemes which are laid before them by these various enterprises in advertisements given to them through the mail to exploit their plans of separating the people from their money. I think that the amendment offered by the gentleman from Pennsylvania, which gives the right of review of the proceedings of the Department by a proper Federal court, is perhaps a wise provision. I would not oppose that amendment. I would prefer to see even that amendment so changed that a case which has been made by the Department under its method of investigation, if you please, may be regarded as a prima facie case.

That is, let the court determine whether or not on that prima facie case, when modified by any other evidence which may be presented by the party to the court, the order should have been issued. To bring into this House such an extremely important measure as the committee has brought, with a method of

procedure that notice after a certain period of time that a case may be heard with provision for a bond which may or may not be sufficient for the protection of the Government, and other provisions equally uncertain, is a mistake. I think we will be subject to the danger pointed out by the gentleman from Illinois [Mr. MANN] that it might occasion numerous applications for damages against the Government or at least appropriations by Congress to cover supposed losses. So that I think it is better to let the whole subject fall rather than we should incur these dangers. I think, Mr. Speaker, that the public is entitled to some sort of protection by the Government in the use of the mails against fraudulent schemes. You might not provide any better method than the present law gives, except possibly the right of review by a competent court. I think, therefore, that the House will best meet the situation by refusing to approve the bill, even though it should adopt this amendment.

Mr. CRUMPACKER. Mr. Speaker, only a word or two on the amendment proposed by the gentleman from Pennsylvania [Mr. DALZELL]. The fundamental difference between his amendment and the original bill is that under his amendment there can be no review of the law and the facts of a fraud-order decision until after the order had been issued and the person affected by it had been publicly branded as a criminal or a perpetrator of fraud. Under the bill it is attempted to provide a way by which the fraud order shall not be finally effective until the person affected by it shall have had an opportunity to go into court and by proper proof show that his conduct has not been such as to justify the issuing of the order, and thereby obviate the entering of a record against him that will stand forever.

What has been termed the cumbersome machinery of the bill has been found necessary in order that this right may be established, and at the same time the Postmaster-General may have the power to protect the public, pending an investigation, against individuals and institutions that may be fraudulent.

The bill does not in any degree interfere with the power of the Postmaster-General to hold up the mails where he is satisfied that they are being used for criminal or fraudulent purposes. The rights of the public are safeguarded, and at the same time the individual is secured the privilege of having questions of law and fact determined in courts of justice according to established procedure where he can, in the open and before the public if he is able to do so, establish his innocence of the misconduct which may be imputed against him.

The criticism made by my friend from Illinois [Mr. MANN] that claims may be presented for damages is, I think, hardly worthy of notice. We can not pass any law to prevent a Member of Congress from introducing a bill providing for the payment of damages to this, that, or the other person for one grievance or another, real or fancied. There is no legal liability, and this bill creates none. It simply proposes to give the citizen a chance to go into the courts, and to have questions of such vital importance to him determined according to established procedure. It is the policy of the law to permit even the guilty to have a day in court, to face the witnesses, to be allowed to cross-examine them, to insist that they shall testify under oath, that they shall testify publicly, and I think it is asking very little to ask that men against whom fraud orders are about to be issued shall be accorded the same privilege. [Applause.]

Now, Mr. Speaker, I move the previous question on the bill and amendments to the final passage.

The SPEAKER pro tempore [Mr. LACEY]. The gentleman from Indiana moves the previous question on the bill and amendments to the final passage.

The question being taken, on a division (demanded by Mr. MANN) there were—ayes 111, noes 1.

Mr. MANN. I asked for a division in order to ascertain the presence of a quorum.

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. MANN. I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The Chair will count.

Mr. MANN (pending the count). I withdraw the point.

Accordingly the previous question was ordered.

The SPEAKER pro tempore. The question is upon the amendment to the substitute offered by the gentleman from Pennsylvania [Mr. DALZELL].

The question being taken, on a division (demanded by Mr. DALZELL) there were—ayes 51, noes 82.

Accordingly the amendment to the substitute was rejected.

The SPEAKER pro tempore. The question now is on the substitute offered by the gentleman from Pennsylvania [Mr. DALZELL].

Mr. OVERSTREET. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. OVERSTREET. What is the motion the Chair is now putting?

The SPEAKER pro tempore. The question is on the amendment, in the nature of a substitute, offered by the gentleman from Pennsylvania [Mr. DALZELL].

Mr. OVERSTREET. What was voted on before?

The SPEAKER pro tempore. The amendment to that substitute. The question now is upon the substitute itself.

Mr. KEIFER. Mr. Speaker, what was the amendment that was offered?

The SPEAKER pro tempore. An amendment offered by the gentleman from Pennsylvania to his own substitute.

Mr. DALZELL. I simply asked leave to change my original motion. I am satisfied that the last vote shall determine the question.

The substitute was rejected.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

On motion of Mr. CRUMPACKER, a motion to reconsider the last vote was laid on the table.

#### PANAMA CANAL.

Mr. CHARLES B. LANDIS. Mr. Speaker, I desire to report the following House joint resolution for immediate consideration.

The SPEAKER. The gentleman from Indiana reports a House joint resolution, which the Clerk will read.

The Clerk read as follows:

*Resolved, etc.,* That there be printed 16,000 copies of Senate Document No. 144, Fifty-ninth Congress, second session, being a special message of the President of the United States concerning the Panama Canal, to be accompanied by a map to be prepared under the direction of the Joint Committee on Printing, 5,000 copies for the use of the Senate, 10,000 copies for the use of the House of Representatives, to be distributed through the folding room, and 1,000 copies for the use of the House of Representatives, to be distributed through the document room.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

Mr. MANN. Mr. Speaker—

The SPEAKER pro tempore. Does the gentleman from Indiana yield to the gentleman from Illinois?

Mr. CHARLES B. LANDIS. I do.

Mr. MANN. Mr. Speaker, we have not been able to hear what the resolution is. We were not able to hear just what the resolution provides.

Mr. CLARK of Missouri. Mr. Speaker, I want to inquire of the gentleman where the documents are to be placed?

Mr. CHARLES B. LANDIS. In the folding room. Ten thousand copies in the folding room of the House, 5,000 copies in the folding room of the Senate, and 1,000 in the document room of the House.

Mr. CLARK of Missouri. What do you want to put 1,000 in the document room of the House for?

Mr. CHARLES B. LANDIS. Where they will be convenient.

Mr. CLARK of Missouri. And some fellow will go out and gobble the whole lump. [Laughter.]

Mr. MANN. I would like to ask the gentleman from Indiana if the message is to have the illustrations printed with it?

Mr. CHARLES B. LANDIS. Yes; as they accompanied the message originally.

Mr. CLARK of Missouri. Well, Mr. Speaker, I am opposed to that provision for 1,000 copies in the document room.

The SPEAKER. The question is on agreeing to the resolution.

Mr. CLARK of Missouri. I object.

Mr. CHARLES B. LANDIS. This is not a question of unanimous consent, it is a privileged report.

The SPEAKER. The gentleman reports it from his committee?

Mr. CHARLES B. LANDIS. I do.

The SPEAKER. It seems to the Chair that it is privileged.

Mr. CLARK of Missouri. Well, Mr. Speaker, I offer an amendment that the 1,000 copies provided for the document room be stricken out and be added to the quantity to be distributed through the folding room.

The SPEAKER. The Clerk will read the proposed amendment.

The Clerk read as follows:

Strike out the words "one thousand copies for the use of the House of Representatives to be distributed through the document room," and in the second line from the end, change "ten thousand" to "eleven thousand;" so it will read "eleven thousand copies for the use of the House of Representatives to be distributed through the folding room."

Mr. CHARLES B. LANDIS. I will say, Mr. Speaker, that the provision for a thousand copies to be distributed through the document room of the House was made because the committee



desired that that thousand copies be printed accompanied by the map as it originally appeared. Under the provisions of the joint resolution, the committee is clothed with the power of preparing a map for the 15,000 copies that are to be printed for the House and Senate, to be distributed through the folding room. We make that provision because we can get out the publication at about one-half its original cost. The Senate, by reason of a Senate resolution, had 2,000 copies distributed through the document room of the Senate. There have been none at all, as originally presented, distributed through the document room of the House, and we felt that at least a thousand copies, with the map as originally prepared, ought to be at the disposal of the House.

Now, the map, as it will be prepared under the joint committee, will be as intelligent as the map that accompanied the message originally, but the publication, if gotten out as originally presented, would cost in the neighborhood of \$250 a thousand, whereas with the map as prepared by the committee it will cost \$100 a thousand.

Mr. CLARK of Missouri. Why not print them all under the cheaper plan?

Mr. CHARLES B. LANDIS. Because we felt that the House ought to have at least a thousand copies with the map as it originally accompanied the message.

Mr. MANN. The gentleman from Indiana says that the original cost of the message, with the map as originally sent out, was \$250 a thousand. I talked with a gentleman connected with the Isthmian Canal Commission, who told me that the cost was nothing like that.

Mr. CHARLES B. LANDIS. That is the report that the Committee on Printing has from the Public Printer.

Mr. MANN. The original map belongs to the Isthmian Canal Commission, and all the cost there is is the presswork and binding.

Mr. CHARLES B. LANDIS. I do not think that the plans belong to the Isthmian Canal Commission.

Mr. MANN. I think the gentleman is mistaken.

Mr. CHARLES B. LANDIS. The information the committee had was that as the map was originally prepared the cost would be \$250 a thousand.

Mr. MANN. The reason I asked the gentleman is because I was told through the document room that a new edition of this publication would cost \$250 a thousand. It seemed to me so exorbitant that I took the trouble to ask, and was told that they owned the plates; that it would cost nothing so far as the use of the plates was concerned, but that the only cost would be the presswork, paper, and binding.

Mr. CHARLES B. LANDIS. We secured our estimate from the Public Printer.

Mr. MANN. Well, the Government Printer assumed a case, then, which did not exist.

Mr. SHACKLEFORD. May I ask the gentleman a question? If it be true that this thousand copies that are going to the document room are going to be more valuable than the others by reason of having better maps, is not that all the more reason why they should be sent to the folding room so that each Member of the House should have his equal share?

Mr. CHARLES B. LANDIS. Well, in view of the fact that the Senate distributed 2,000 copies through the document room of the Senate, where they were available to those who wanted them immediately, we felt this thousand copies, gotten out sooner than the whole edition, would be available at an earlier date, and that those Members who were pressed for copies would have an opportunity of securing them.

Mr. SHACKLEFORD. Would it not be better for us all to wait a little while and let each Member have his proper share through the folding room than to put them into the document room, where just a few Members will get more than they ought to have and others none?

Mr. CHARLES B. LANDIS. That will give each Member only about three copies.

Mr. SHACKLEFORD. Well, that is what each Member ought to have, and each Member won't get that if they go to the document room, because some of them will get none.

Mr. MADDEN. Mr. Speaker, I move to amend the resolution by providing that the plates now owned and in possession of the Isthmian Canal Commission be used in the preparation of the maps which it is proposed to have prepared under this report.

The SPEAKER. But there is an amendment pending, the amendment offered by the gentleman from Missouri [Mr. CLARK], and that is first in order.

Mr. MADDEN. Then I move to amend the amendment.

Mr. MANN. It is not germane.

The SPEAKER. The gentleman's amendment would be in order after this amendment is disposed of.

Mr. MADDEN. Very well.

Mr. PAYNE. Mr. Speaker, I desire to ask the gentleman from Indiana a question. If this amendment of the gentleman from Missouri [Mr. CLARK] is adopted by the House, would it cut off the printing of the thousand copies with the original maps?

Mr. CHARLES B. LANDIS. I do not understand it would. It would simply provide for their distribution through the folding room. I have no objection to distributing the thousand copies through the folding room of the House.

Mr. PAYNE. Why does the gentleman then state that 15,000 copies are to be issued on plates or maps to be prepared by the Committee on Printing and 1,000 on the original maps?

Mr. CHARLES B. LANDIS. That is what the chairman of the Committee on Printing did announce.

Mr. PAYNE. If the resolution does not provide for it, where do you get that?

Mr. GROSVENOR. It does provide for it.

Mr. CHARLES B. LANDIS. The resolution does not provide for that, but the Committee on Printing would have control of it to that extent.

Mr. PAYNE. Oh, that is something the committee has up its sleeve, so to speak.

Mr. CHARLES B. LANDIS. Yes, sir.

Mr. PAYNE. I was afraid if the amendment of the gentleman from Missouri [Mr. CLARK] struck out this provision about the thousand copies that it might result in striking out any authority of the Committee on Printing to print the 1,000 copies with the original maps.

Mr. MANN. Will the gentleman yield for a question? As I understand, when this message came to Congress it was not ordered by the House to be printed with the illustrations. Is that correct?

Mr. CHARLES B. LANDIS. It was printed out of money appropriated by Congress for the Panama Commission.

Mr. MANN. I understand; but when it came to the House it was not ordered to be printed by the House with the illustrations.

Mr. CHARLES B. LANDIS. It was not.

Mr. MANN. Ordinarily when a document comes to the House and is printed a certain number go to the document room. It is from that number that the newspaper men are supplied. It is from that number that the various Government officials are supplied, so that if the amendment of the gentleman from Missouri [Mr. CLARK] should prevail there would be no quota out of which the newspaper men could be supplied or out of which Government officials could be supplied, the entire number going to the folding room to the credit of the individual Members of the House.

Mr. CHARLES B. LANDIS. The usual number is in process of printing under the Senate order.

Mr. MANN. I think the gentleman is mistaken. The document has already been printed by the Senate.

Mr. CHARLES B. LANDIS. I would say this, that the usual number has not yet been placed in the document room, but is now in the process of printing under the Senate order. They will be available for the newspaper men and others, as the gentleman suggests.

Mr. MANN. The House did not order the original message printed with illustrations. Now the Senate ordered it printed with illustrations.

Mr. CHARLES B. LANDIS. But under the rule the usual number is printed.

Mr. MANN. Is not the gentleman mistaken about the usual number being printed when it is a second printing? This is a second printing.

Mr. CHARLES B. LANDIS. But I say under the rule the usual number will be printed, and the usual number has not yet been given to the document room.

Mr. PAYNE. The usual number will be printed whether this resolution is passed or not.

Mr. CHARLES B. LANDIS. The usual number will be printed, whether this resolution is passed or not, and will be placed in the document room, where those whom the gentleman has mentioned have access to it.

Mr. MANN. I think the gentleman is again mistaken about that. The law provides that these documents shall not be printed with illustrations unless it is especially authorized. Now, when this message came to the House, it was not directed to be printed with illustrations, so there is no usual number printed and the usual number goes in the air on this proposition.

Mr. CHARLES B. LANDIS. My information from the docu-

ment room was that the usual number would be received in a few days and would be available.

The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Missouri.

The question was taken; and the amendment was agreed to.

Mr. MADDEN. Now, Mr. Speaker, I propose the amendment I suggested a few moments ago, namely, that the report be printed from the plates in possession of and owned by the Isthmian Canal Commission. I can not understand, Mr. Speaker, why it costs more to print a thousand with the original map than it is proposed to pay for the printing of the 10,000 which go to the document room or folding room, unless it is that the Committee on Printing proposes to make a smaller map than the one which was supplied with the report submitted by the President some time ago.

The SPEAKER. If the gentleman from Illinois will pause until the amendment is reported to see if it is in the shape in which he desires it. The gentleman from Illinois offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Add, after the words "folding room" at the end of the resolution, the following:

"The plates owned by and in the possession of the Isthmian Canal Commission shall be used in printing the said document hereunder."

Mr. MADDEN. I move the adoption of the amendment, Mr. Speaker.

Mr. CHARLES B. LANDIS. Mr. Speaker, I will say in this connection that the estimate the committee received on this publication, accompanied by the map as originally presented to the House, will cost \$250 a thousand. As presented with the map, as it will be reduced and changed, they will cost \$100 a thousand.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. CHARLES B. LANDIS. I will.

Mr. MADDEN. I presume that report is based on the theory that a new plate would have to be made, or upon another theory that the plate which it is proposed to make will be so small that it will not compare at all with the plate from which the original map was made.

Mr. CHARLES B. LANDIS. It is based upon the theory that the information of the committee was that this plate was not owned by the Isthmian Canal Commission, but they simply ordered this map prepared at so much a thousand.

Mr. MADDEN. Will the gentleman answer this question? Who made the plate?

Mr. CHARLES B. LANDIS. It was made in New York.

Mr. MADDEN. Who authorized it to be made?

Mr. CHARLES B. LANDIS. The Isthmian Canal Commission.

Mr. MADDEN. Who paid for it?

Mr. CHARLES B. LANDIS. The Isthmian Canal Commission.

Mr. MADDEN. That was paid for out of Government funds?

Mr. CHARLES B. LANDIS. It was.

Mr. MADDEN. Then it ought to be owned by the Government.

Mr. CHARLES B. LANDIS. But it is not.

Mr. MADDEN. Why is it not?

Mr. CHARLES B. LANDIS. Because the Government did not buy the plate, but did buy the map, just as the Government did not buy the Jefferson Bible plates. The Jefferson Bible plates are owned by the contractor in Chicago.

Mr. MADDEN. The statement made by my colleague from Illinois is to the effect that he has information, which is reliable, to the effect that the plates are owned and in possession of the Isthmian Canal Commission.

Mr. CHARLES B. LANDIS. Well, the information the committee had was to the contrary, and I will say to the gentleman from Chicago that this map would be reduced about half its present size and would not be printed in colors, but would have just as much in it as it is now prepared.

Mr. MADDEN. I see no reason, Mr. Speaker, notwithstanding the statement of the gentleman, why we should be compelled to make a new plate. The Government has paid for making a plate once, and if that plate is in existence it ought to be the property of the Government, and there ought to be no further expenditure for making the plate in order that we may have the map in the report.

Mr. CHARLES B. LANDIS. Mr. Speaker, I will say that that same suggestion was made when the Jefferson Bible was originally printed. It was contended on the floor of this House that inasmuch as we had bought and paid for 10,000 copies of that publication we ought to own the plates, but we did not own the plates, and we never have owned the plates.

Mr. MANN. Will the gentleman yield for a statement?

Mr. CHARLES B. LANDIS. Certainly.

Mr. MANN. Mr. Speaker, when this measure came before the House and was not printed I made inquiry in the document room in regard to it, and was told there that the Printing Office had reported that it would cost \$250 a thousand to print the message. I saw Mr. Bishop, the secretary of the Isthmian Canal Commission, and made the statement to him that it had been reported to me that it would cost \$250 a thousand to print this message with the illustrations, because the Government did not own the plates. I will say that the plate with reference to the map was not specifically mentioned.

Mr. CHARLES B. LANDIS. I will say to the gentleman that the other plates are owned by the Government, but not the map plate.

Mr. MANN. Mr. Bishop stated to me that there was no reason why it should cost \$250 a thousand, or, in his judgment, more than \$50 a thousand, because the Isthmian Canal Commission owned all the plates, and that they were at the service of the Government Printing Office at any time without expense and that the Commission was ready to turn them over.

Mr. CHARLES B. LANDIS. Did Mr. Bishop say that the Isthmian Canal Commission owned the map plate?

Mr. MANN. The map plate was not specifically mentioned, but the cost was mentioned, and he spoke of all of the plates. Either Mr. Bishop was very much mistaken or else he did not know what was in the message.

Mr. GAINES of Tennessee. Mr. Speaker, I want to get a little more information on that point. The gentleman undertook just now to state, and did state, that this was a case similar to the case of the Jefferson Bible. He said that the Jefferson Bible was printed by plates that were owned by some private firm. Well, these plates are owned by the Panama Canal Commission and the Panama Canal Commission is controlled by the United States, and all the money that it takes to make plates for them ought to make any other Government work the Government of the United States pays for. Why should we not take these plates away from the Panama Canal Commission, which we control, and use them in printing these maps?

Mr. CHARLES B. LANDIS. I will say to the gentleman from Tennessee that the information of the Committee on Printing is to the effect that the plate from which the map was printed was not owned by the Panama Commission.

Mr. GAINES of Tennessee. Who owns it?

Mr. CHARLES B. LANDIS. It was owned by some contractor, as I understand it, in New York or Philadelphia—New York, I think.

Mr. GAINES of Tennessee. He just loaned it to the President to have it printed?

Mr. CHARLES B. LANDIS. He prepared this plate and sold the Government so many maps for so much money, just as we originally bought 10,000 of the Jefferson Bible for so much money.

Mr. GAINES of Tennessee. Of course, if a private individual owns that map plate, we can not control it, but I think the resolution the gentleman has offered should be modified so as to eliminate that and let us have the balance of the plates. Of course we control the Panama Canal Commission and give them all the money they want.

Mr. CHARLES B. LANDIS. I will say, if the amendment offered by the gentleman from Illinois [Mr. MADDEN] is voted down, that the publication will be issued with all the plates except the map plate, as they appeared in the original publication. Then the map that will accompany the publication will be of reduced size, but be just as intelligent as the map that accompanied the original publication, and will not cost half the price and will not be a detached map.

Mr. OLMSTED. Mr. Speaker, I offer an amendment to the amendment.

The SPEAKER. The Clerk will report the amendment to the amendment.

The Clerk read as follows:

Amend the amendment by adding at the end thereof the following: "So far as the Isthmian Canal Commission owns and controls the free use of the necessary plates."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The joint resolution as amended was ordered to be engrossed for a third reading; and being engrossed, it was according read the third time, and passed.

#### MEMORIAL ADDRESSES ON LATE HON. ROCKWOOD HOAR.

Mr. WASHBURN. Mr. Speaker, I ask unanimous consent for the present consideration of the order which I send to the desk.

The Clerk read as follows:

Ordered, That there be a session of the House on Sunday, February 10, 1907, at 12 m., which shall be set apart for memorial addresses on



the life, character, and public services of Hon. ROCKWOOD HOAR, late a Representative from the Third Congressional district of Massachusetts.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken, and the order was agreed to.

#### LEAVE OF ABSENCE.

The SPEAKER laid before the House the following telegram, which was read:

CHICAGO, ILL., January 7, 1907.

Hon. JOSEPH G. CANNON,

*Speaker of the House of Representatives, Washington, D. C.:*

For the past two days I have been laid up sick at home. I started for Washington yesterday, but had a relapse on train and had to return from Fort Wayne. I will appreciate it if you will secure a leave of absence for me on account of sickness.

WILLIAM LORIMER.

The SPEAKER. Without objection, the leave of absence will be granted.

There was no objection.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 43 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, submitting a preliminary report as to legislation requiring reports as to proceeds of sales of public property, with a statement of payments from such funds—to the Committee on Appropriations, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Catharine Kelton against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of the heirs of Theodorick Bland, deceased, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of C. J. McKee, administrator of estate of David B. Johnson, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for meandering the north bank of the Popo Agie River and the south bank of the Big Wind River, Shoshone Indian Reservation, Wyo.—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of the Treasury, submitting a statement of the mail matter entered at the Washington City post-office by the Treasury Department, under the penalty privilege from July 1 to December 31, 1906—to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

A letter from the Acting Secretary of State, submitting a request that Samuel R. Gummeré be empowered to receive a sword from the Sultan of Morocco—to the Committee on Foreign Affairs, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting papers in the claim of the Charleston (S. C.) Light and Water Company—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the president of the Board of Commissioners of the District of Columbia submitting an estimate of deficiency appropriation for the public schools of the District—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of Commerce and Labor, submitting a statement of the expenditures of the Coast and Geodetic Survey for the year ended June 30, 1906—to the Committee on Expenditures in the Department of Commerce and Labor, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William Erwin against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of E. M. Tate, administrator of estate of David N. Tate, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of W. A. Montgomery, administrator of estate of Willis Lowe, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mary J. Brown, administratrix of estate of Jesse A. Brown, against the United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William Bryant against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of W. J. Penn, administrator of estate of William Penn, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Cain Leach against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John D. Long against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of G. W. Elmore, administrator of estate of George W. Pierce, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of George C. Strauss, administrator of estate of Peter Strauss, against The United States—to the Committee on War Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the harbor of Hilo, Hawaii—to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

A letter from the Secretary of the Treasury, transmitting reports of delinquencies of officers of the Government in accounts and balances—to the Committee on Expenditures in the Treasury Department, and ordered to be printed.

A letter from the Director of the Geological Survey, transmitting the annual report of the Survey for the fiscal year 1905-6—to the Committee on Appropriations, and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 21689) to increase the limit of cost of five light-house tenders heretofore authorized, reported the same without amendment, accompanied by a report (No. 5882); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 22543) granting to the town of Pawnee, in Pawnee County, Okla., certain lands for park, educational, and other public purposes, reported the same without amendment, accompanied by a report (No. 5883); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22203) granting an increase of pension to Oliver J. Burns, reported the same without amendment, accompanied by a report (No. 5631); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22217) granting

an increase of pension to George W. Boughner, reported the same without amendment, accompanied by a report (No. 5632); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22214) granting an increase of pension to Thomas J. Prouty, reported the same with amendment, accompanied by a report (No. 5633); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22270) granting an increase of pension to Michael Hogan, reported the same with amendment, accompanied by a report (No. 5634); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22272) granting a pension to George W. Rodefer, reported the same with amendment, accompanied by a report (No. 5635); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22280) granting an increase of pension to Emily V. Ackley, reported the same with amendment, accompanied by a report (No. 5636); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22288) granting an increase of pension to Samuel L. Davis, reported the same with amendment, accompanied by a report (No. 5637); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22424) granting an increase of pension to William Faulkner, reported the same with amendment, accompanied by a report (No. 5638); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22431) granting an increase of pension to Alden Youngman, reported the same with amendment, accompanied by a report (No. 5639); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22442) granting an increase of pension to John Clark, reported the same with amendment, accompanied by a report (No. 5640); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22448) granting a pension to F. Medora Johnson, reported the same with amendment, accompanied by a report (No. 5641); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22451) granting an increase of pension to John McCaslin, reported the same with amendment, accompanied by a report (No. 5642); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22500) granting an increase of pension to Minor Cleavenger, reported the same without amendment, accompanied by a report (No. 5643); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22551) granting an increase of pension to Wilson Siddell, reported the same with amendment, accompanied by a report (No. 5644); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22566) granting an increase of pension to Joseph L. Six, reported the same without amendment, accompanied by a report (No. 5645); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22602) granting an increase of pension to John H. Passon, reported the same with amendment, accompanied by a report (No. 5646); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22607) granting an increase of pension to John T. Hetherlin, reported the same with amendment, accompanied by a report (No. 5647); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22624) granting an increase of pension to Louisa M. Carothers, reported the same with amendment, accompanied by a report (No. 5648); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1150) granting a pension to Emma J. Turner, reported the same with amendment, accompanied by a report (No. 5649); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22651) granting an increase of pension to Emily J. Cadmus, reported the same with amendment, accompanied by a report (No. 5650); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22684) granting an increase of pension to William Sherck, reported the same with amendment, accompanied by a report (No. 5651); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22717) granting an increase of pension to Mary A. Brick, reported the same with amendment, accompanied by a report (No. 5652); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22734) granting an increase of pension to Marshall Maier, reported the same with amendment, accompanied by a report (No. 5653); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22749) granting a pension to Della S. Easton, reported the same with amendment, accompanied by a report (No. 5654); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22756) granting an increase of pension to Levi Curtis, reported the same with amendment, accompanied by a report (No. 5655); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22766) granting an increase of pension to Soren V. Kalsem, reported the same with amendment, accompanied by a report (No. 5656); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22771) granting an increase of pension to William J. Courter, reported the same without amendment, accompanied by a report (No. 5657); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22776) granting an increase of pension to James E. Converse, reported the same with amendment, accompanied by a report (No. 5658); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20929) granting an increase of pension to Thomas D. King, reported the same with amendment, accompanied by a report (No. 5659); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22853) granting an increase of pension to Burden H. Barrett, reported the same with amendment, accompanied by a report (No. 5660); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22937) granting an increase of pension to Edward Murphy, reported the same with amendment, accompanied by a report (No. 5661); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22976) granting an increase of pension to Milton Stevens, reported the same with amendment, accompanied by a report (No. 5662); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22994) granting an increase of pension to Lucinda C. Musgrove, reported the same with amendment, accompanied by a report (No. 5663); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22997) granting an increase of pension to Edmond D. Doud, reported the same with amendment, accompanied by a report (No. 5664); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22995) granting an increase of pension to Nathaniel Y. Buck, reported the same without amendment,



accompanied by a report (No. 5665); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22416) granting an increase of pension to Barbara E. Schwab, reported the same with amendment, accompanied by a report (No. 5666); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23036) granting an increase of pension to John Cutler Mitchell, reported the same with amendment, accompanied by a report (No. 5667); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20973) granting an increase of pension to Henry Luft, reported the same with amendment, accompanied by a report (No. 5668); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21837) granting an increase of pension to James W. Kasson, reported the same without amendment, accompanied by a report (No. 5669); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14378) granting an increase of pension to Charles Settle, reported the same without amendment, accompanied by a report (No. 5670); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 742) granting an increase of pension to James Wintersteen, reported the same without amendment, accompanied by a report (No. 5671); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21836) granting a pension to Mary C. Hall, reported the same with amendment, accompanied by a report (No. 5672); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21832) granting an increase of pension to John W. Wilkinson, reported the same with amendment, accompanied by a report (No. 5673); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21828) granting an increase of pension to Noah Perrin, reported the same with amendment, accompanied by a report (No. 5674); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21808) granting an increase of pension to Levi Mitchell, reported the same with amendment, accompanied by a report (No. 5675); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21798) granting an increase of pension to Andrew Spencer, reported the same with amendment, accompanied by a report (No. 5676); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21724) granting an increase of pension to John D. Martin, reported the same with amendment, accompanied by a report (No. 5677); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21702) granting an increase of pension to John Cyrus Rinehart, reported the same with amendment, accompanied by a report (No. 5678); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21660) granting an increase of pension to Emma Fehr, reported the same with amendment, accompanied by a report (No. 5679); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21651) granting an increase of pension to Jacob B. Butts, reported the same with amendment, accompanied by a report (No. 5680); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21626) granting an increase of pension to Calvin Barker, reported the same with amendment, accompanied by a report (No. 5681); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21617) granting an increase of pension to William Miller, reported the same with amendment, accom-

panied by a report (No. 5682); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21575) granting an increase of pension to Calvin E. Morley, reported the same with amendment, accompanied by a report (No. 5683); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20586) granting an increase of pension to Calvin Judson, reported the same without amendment, accompanied by a report (No. 5684); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21551) granting an increase of pension to Alfred E. Lucas, reported the same with amendment, accompanied by a report (No. 5685); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21519) granting an increase of pension to Montezuma Saint John, reported the same with amendment, accompanied by a report (No. 5686); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21524) granting an increase of pension to Elison Gatewood, reported the same with amendment, accompanied by a report (No. 5687); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21483) granting an increase of pension to George S. Wood, reported the same with amendment, accompanied by a report (No. 5688); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21448) granting an increase of pension to Jesse Jackman, reported the same with amendment, accompanied by a report (No. 5689); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21428) granting an increase of pension to Cornelius H. Lawrence, reported the same with amendment, accompanied by a report (No. 5690); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21375) granting an increase of pension to John S. Cornwell, reported the same without amendment, accompanied by a report (No. 5691); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21307) granting an increase of pension to Samuel Fauver, reported the same with amendment, accompanied by a report (No. 5692); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21344) granting an increase of pension to Edward S. Lightbourne, reported the same with amendment, accompanied by a report (No. 5693); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21347) granting an increase of pension to Jeanette M. Guiney, reported the same with amendment, accompanied by a report (No. 5694); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22155) granting an increase of pension to Andrew J. Armstrong, reported the same with amendment, accompanied by a report (No. 5695); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13201) granting a pension to Sarah A. Jones, reported the same with amendment, accompanied by a report (No. 5696); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22090) granting an increase of pension to Severt Larson, reported the same with amendment, accompanied by a report (No. 5697); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22094) granting an increase of pension to Albert J. Hamre, reported the same with amendment, accompanied by a report (No. 5698); which said bill and report were referred to the Private Calendar.



He also, from the same committee, to which was referred the bill of the House (H. R. 22088) granting an increase of pension to Gottlieb Schweitzer, reported the same with amendment, accompanied by a report (No. 5699); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22069) granting an increase of pension to Caroline W. Congdon, reported the same with amendment, accompanied by a report (No. 5700); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22067) granting an increase of pension to Levi E. Miller, reported the same with amendment, accompanied by a report (No. 5701); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22065) granting an increase of pension to Henry Utter, reported the same with amendment, accompanied by a report (No. 5702); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22052) granting a pension to James A. Meredith, reported the same with amendment, accompanied by a report (No. 5703); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22039) granting a pension to Alethia White, reported the same with amendment, accompanied by a report (No. 5704); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22015) granting an increase of pension to William Reese, reported the same with amendment, accompanied by a report (No. 5705); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21997) granting an increase of pension to Martha Joyce, reported the same with amendment, accompanied by a report (No. 5706); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21961) granting an increase of pension to Harry F. Wood, reported the same with amendment, accompanied by a report (No. 5707); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21906) granting an increase of pension to John M. Bruder, reported the same without amendment, accompanied by a report (No. 5708); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1185) granting a pension to Josiah C. Hancock, reported the same with amendment, accompanied by a report (No. 5709); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21896) granting an increase of pension to George H. Field, reported the same with amendment, accompanied by a report (No. 5710); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21881) granting an increase of pension to Mahala Jones, reported the same with amendment, accompanied by a report (No. 5711); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21856) granting an increase of pension to John G. Viall, reported the same with amendment, accompanied by a report (No. 5712); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21848) granting an increase of pension to Charles W. Arthur, reported the same with amendment, accompanied by a report (No. 5713); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21852) granting an increase of pension to James M. Eaman, reported the same with amendment, accompanied by a report (No. 5714); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21843) granting an increase of pension to Robert H. Delaney, reported the same with amendment, accompanied by a report (No. 5715); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20557) granting a pension to Webster Miller, reported the same with amendment, accompanied by a report (No. 5716); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21283) granting an increase of pension to Frederick De Planque, reported the same with amendment, accompanied by a report (No. 5717); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21258) granting an increase of pension to James Dopp, reported the same with amendment, accompanied by a report (No. 5718); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21256) granting an increase of pension to William Foster, reported the same with amendment, accompanied by a report (No. 5719); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11141) granting an increase of pension to Jesse S. Miller, reported the same with amendment, accompanied by a report (No. 5720); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21227) granting a pension to Cora A. Lasley, reported the same with amendment, accompanied by a report (No. 5721); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21157) granting an increase of pension to George C. Peak, reported the same with amendment, accompanied by a report (No. 5722); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21139) granting an increase of pension to Willa Fyffe, reported the same with amendment, accompanied by a report (No. 5723); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21086) granting an increase of pension to Jerry Johnson, reported the same with amendment, accompanied by a report (No. 5724); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21077) granting an increase of pension to Andrew M. Dunn, reported the same with amendment, accompanied by a report (No. 5725); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21060) granting an increase of pension to Gottlieb Kirchner, reported the same with amendment, accompanied by a report (No. 5726); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20966) granting an increase of pension to Thomas H. Jones, reported the same with amendment, accompanied by a report (No. 5727); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21000) granting a pension to Jessie F. Evans, reported the same with amendment, accompanied by a report (No. 5728); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19943) granting an increase of pension to E. La Coste, reported the same with amendment, accompanied by a report (No. 5729); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20967) granting an increase of pension to Samuel W. Hines, reported the same with amendment, accompanied by a report (No. 5730); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20930) granting an increase of pension to Joseph Ronge, reported the same with amendment, accompanied by a report (No. 5731); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20862) granting an increase of pension to August Weber, reported the same with amendment, accompanied by a report (No. 5732); which said bill and report were referred to the Private Calendar.



Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23051) granting an increase of pension to Volney S. Topping, reported the same with amendment, accompanied by a report (No. 5733); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23263) granting an increase of pension to Michael Downs, reported the same without amendment, accompanied by a report (No. 5734); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20715) granting an increase of pension to Charles Ballantyne, reported the same without amendment, accompanied by a report (No. 5735); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20727) granting an increase of pension to William Conwell, reported the same with amendment, accompanied by a report (No. 5736); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20717) granting an increase of pension to Adelbert E. Bleekman, reported the same with amendment, accompanied by a report (No. 5737); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20719) granting an increase of pension to James O. Price, reported the same with amendment, accompanied by a report (No. 5738); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20737) granting an increase of pension to William G. Whitney, reported the same with an amendment, accompanied by a report (No. 5739); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20856) granting an increase of pension to Catherine A. Greene, reported the same with amendment, accompanied by a report (No. 5740); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20852) granting an increase of pension to T. T. Tate, reported the same with amendment, accompanied by a report (No. 5741); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20842) granting an increase of pension to Henry Joyce, reported the same with amendment, accompanied by a report (No. 5742); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20689) granting an increase of pension to Francis Doughty, reported the same with amendment, accompanied by a report (No. 5743); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20538) granting an increase of pension to Mark W. Terrill, reported the same without amendment, accompanied by a report (No. 5744); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20571) granting an increase of pension to Frederick J. Dowland, reported the same with amendment, accompanied by a report (No. 5745); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20614) granting an increase of pension to James Howardson, sr., reported the same with amendment, accompanied by a report (No. 5746); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20618) granting an increase of pension to George W. Brinton, reported the same with amendment, accompanied by a report (No. 5747); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20686) granting an increase of pension to Joshua S. Jayne, reported the same without amendment, accompanied by a report (No. 5748); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the

bill of the House (H. R. 20568) granting an increase of pension to Chester R. Pitt, reported the same with amendment, accompanied by a report (No. 5749); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 23166) granting an increase of pension to William S. Voris, reported the same with amendment, accompanied by a report (No. 5750); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21113) granting an increase of pension to Emma E. Chamberlain, reported the same with amendment, accompanied by a report (No. 5751); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21246) granting a pension to Margaret Gilroy, reported the same with amendment, accompanied by a report (No. 5752); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20729) granting an increase of pension to Benjamin Lyons, reported the same with amendment, accompanied by a report (No. 5753); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20822) granting an increase of pension to Milton L. Howard, reported the same with amendment, accompanied by a report (No. 5754); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20882) granting an increase of pension to Luther W. Harris, reported the same with amendment, accompanied by a report (No. 5755); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21148) granting an increase of pension to Jacob A. Graham, reported the same with amendment, accompanied by a report (No. 5756); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1512) granting an increase of pension to Melvin T. Edmonds, reported the same with amendment, accompanied by a report (No. 5757); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1252) granting an increase of pension to Mary E. Mathes, reported the same with amendment, accompanied by a report (No. 5758); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 725) granting a pension to George E. Smith, reported the same with amendment, accompanied by a report (No. 5759); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 637) for the relief of William H. Bone, reported the same with amendment, accompanied by a report (No. 5760); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16340) granting an increase of pension to William M. Harris, reported the same without amendment, accompanied by a report (No. 5761); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17058) granting an increase of pension to J. H. O'Brien, reported the same with amendment, accompanied by a report (No. 5762); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16487) granting an increase of pension to Martha Lavender, reported the same without amendment, accompanied by a report (No. 5763); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 13956) granting an increase of pension to Alfred Featheringill, reported the same with amendment, accompanied by a report (No. 5764); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20589) granting an increase of pension to Amanda Cherry, reported the same without amendment, accompanied by a report (No. 5765); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to

which was referred the bill of the House (H. R. 13805) granting an increase of pension to Isaac Gordon, reported the same without amendment, accompanied by a report (No. 5766); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15463) granting an increase of pension to John Robb, reported the same with amendment, accompanied by a report (No. 5767); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6519) granting an increase of pension to Samuel W. Whybark, reported the same with amendment, accompanied by a report (No. 5768); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6424) granting a pension to George Price, reported the same with amendment, accompanied by a report (No. 5769); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6165) granting an increase of pension to Nelson Everson, reported the same with amendment, accompanied by a report (No. 5770); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20834) granting an increase of pension to Franklin Comstock, reported the same with amendment, accompanied by a report (No. 5771); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6088) granting an increase of pension to James R. Chapman, reported the same with amendment, accompanied by a report (No. 5772); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6060) granting an increase of pension to Lorenzo B. Fish, reported the same with amendment, accompanied by a report (No. 5773); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20613) granting an increase of pension to Hiram Steele, reported the same with amendment, accompanied by a report (No. 5774); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20851) granting an increase of pension to Henry Hamme, reported the same with amendment, accompanied by a report (No. 5775); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5829) granting an increase of pension to George Anderson, reported the same with amendment, accompanied by a report (No. 5776); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5801) granting an increase of pension to Algernon E. Castner, reported the same with amendment, accompanied by a report (No. 5777); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5595) granting an increase of pension to Elisha Brown, reported the same with amendment, accompanied by a report (No. 5778); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5187) granting an increase of pension to Robert John, reported the same with amendment, accompanied by a report (No. 5779); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4833) granting an increase of pension to S. F. Anderson, reported the same with amendment, accompanied by a report (No. 5780); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4719) granting a pension to Mary J. Trumbull, reported the same with amendment, accompanied by a report (No. 5781); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4692) granting an increase of pension to Levi Welch, reported the same with amendment, accompanied by a report (No. 5782); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22502) granting an increase of pension to Orren D. Haskell, reported the same with amendment, accompanied by a report (No. 5783); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4673) granting an increase of pension to Samuel Rowe, reported the same with amendment, accompanied by a report (No. 5784); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4151) granting an increase of pension to John W. Howard, reported the same with amendment, accompanied by a report (No. 5785); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3989) granting an increase of pension to Hiram T. Houghton, reported the same with amendment, accompanied by a report (No. 5786); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3740) granting an increase of pension to John G. H. Armistead, reported the same without amendment, accompanied by a report (No. 5787); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2769) granting an increase of pension to Ethan A. Valentine, reported the same with amendment, accompanied by a report (No. 5788); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2726) granting an increase of pension to John C. Keach, reported the same without amendment, accompanied by a report (No. 5789); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2286) granting a pension to Jacob Miller, reported the same with amendment, accompanied by a report (No. 5790); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2056) granting an increase of pension to Lucas Longendyke, reported the same with amendment, accompanied by a report (No. 5791); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1937) granting an increase of pension to Joseph B. Williams, reported the same with amendment, accompanied by a report (No. 5792); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8553) granting an increase of pension to Thomas E. Aylesworth, reported the same with amendment, accompanied by a report (No. 5793); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 12497) granting an increase of pension to Allen M. Haight, reported the same without amendment, accompanied by a report (No. 5794); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10219) granting a pension to George S. Boyd, reported the same with amendment, accompanied by a report (No. 5795); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20728) granting an increase of pension to Ira D. Hill, reported the same without amendment, accompanied by a report (No. 5796); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10033) granting an increase of pension to Samuel C. Roe, reported the same with amendment, accompanied by a report (No. 5797); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7666) granting an increase of pension to Joseph C. Mahaffey, reported the same with amendment, accompanied by a report (No. 5798); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9278) granting



an increase of pension to Melville A. Nichols, reported the same with amendment, accompanied by a report (No. 5799); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5174) granting an increase of pension to Patrick Turney, reported the same with amendment, accompanied by a report (No. 5800); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21960) granting an increase of pension to Sarah Betts, reported the same with amendment, accompanied by a report (No. 5801); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9921) granting a pension to Ann Lytle, reported the same without amendment, accompanied by a report (No. 5802); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7393) granting an increase of pension to Ferdinand David, reported the same with amendment, accompanied by a report (No. 5803); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22092) granting an increase of pension to Simon McAteer, reported the same with amendment, accompanied by a report (No. 5804); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21343) granting an increase of pension to James C. Murray, reported the same with amendment, accompanied by a report (No. 5805); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21446) granting an increase of pension to William W. Crum, reported the same with amendment, accompanied by a report (No. 5806); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22748) granting an increase of pension to Willard P. Fisher, reported the same with amendment, accompanied by a report (No. 5807); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22718) granting an increase of pension to William Dean, reported the same with amendment, accompanied by a report (No. 5808); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22501) granting an increase of pension to Austin B. Truman, reported the same without amendment, accompanied by a report (No. 5809); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22376) granting a pension to William M. Colby, reported the same with amendment, accompanied by a report (No. 5810); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22452) granting an increase of pension to William A. Narrin, reported the same with amendment, accompanied by a report (No. 5811); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22281) granting an increase of pension to Leonard Tyler, reported the same with amendment, accompanied by a report (No. 5812); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22207) granting an increase of pension to William A. Harlan, reported the same without amendment, accompanied by a report (No. 5813); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20860) granting an increase of pension to Charles T. Chapman, reported the same with amendment, accompanied by a report (No. 5814); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7551) granting a pension to Daniel Robb, reported the same without amendment, accompanied by a report (No. 5815); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pen-

sions, to which was referred the bill of the House (H. R. 7378) granting an increase of pension to John L. Brown, reported the same with amendment, accompanied by a report (No. 5816); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 6537) granting an increase of pension to William Jackson, reported the same with amendment, accompanied by a report (No. 5817); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6524) granting an increase of pension to Amos Snyder, reported the same without amendment, accompanied by a report (No. 5818); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4149) granting an increase of pension to Thompson Wall, reported the same with amendment, accompanied by a report (No. 5819); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5776) granting a pension to Priscilla A. Campbell, reported the same with amendment, accompanied by a report (No. 5820); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18881) granting an increase of pension to Alexander B. Mott, reported the same with amendment, accompanied by a report (No. 5821); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18723) granting a pension to William E. Hannigan, reported the same with amendment, accompanied by a report (No. 5822); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18681) granting an increase of pension to William E. Gray, reported the same with amendment, accompanied by a report (No. 5823); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18323) granting an increase of pension to Richard B. Rankin, reported the same with amendment, accompanied by a report (No. 5824); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 18242) granting an increase of pension to Francis Anderson, reported the same with amendment, accompanied by a report (No. 5825); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18042) granting an increase of pension to James H. Sinclair, reported the same with amendment, accompanied by a report (No. 5826); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 18014) granting an increase of pension to Elbridge P. Boyden, reported the same with amendment, accompanied by a report (No. 5827); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17773) granting a pension to Carel Lane, reported the same with amendment, accompanied by a report (No. 5828); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17642) granting an increase of pension to Roland M. Johnson, reported the same with amendment, accompanied by a report (No. 5829); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17620) granting an increase of pension to Michael Pendergast, alias Michael Blake, reported the same with amendment, accompanied by a report (No. 5830); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 17331) granting an increase of pension to D. V. Donnelly, reported the same with amendment, accompanied by a report (No. 5831); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20734) granting an increase of pension to Amos Kellner, reported the same with amendment, accompanied by a report (No. 5832); which said bill and report were referred to the Private Calendar.



Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22506) granting an increase of pension to James F. Smith, reported the same with amendment, accompanied by a report (No. 5833); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 22568) granting an increase of pension to John H. Christman, reported the same without amendment, accompanied by a report (No. 5834); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21255) granting an increase of pension to Thomas McDowell, reported the same with amendment, accompanied by a report (No. 5835); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 22528) granting an increase of pension to Daniel Fuller, reported the same with amendment, accompanied by a report (No. 5836); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20855) granting an increase of pension to George Hierl, reported the same with amendment, accompanied by a report (No. 5837); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 21909) granting an increase of pension to George W. W. Tanner, reported the same with amendment, accompanied by a report (No. 5838); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 17330) granting an increase of pension to William Tuders, reported the same without amendment, accompanied by a report (No. 5839); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 16283) granting an increase of pension to A. H. R. Calvin, reported the same with amendment, accompanied by a report (No. 5840); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16222) granting an increase of pension to Napoleon B. Ferrell, reported the same with amendment, accompanied by a report (No. 5841); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16181) granting an increase of pension to Ann Rafferty, reported the same with amendment, accompanied by a report (No. 5842); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 15874) granting an increase of pension to Benjamin B. Ream, reported the same with amendment, accompanied by a report (No. 5843); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13031) granting an increase of pension to Thomas H. Leslie, reported the same with amendment, accompanied by a report (No. 5844); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14860) granting an increase of pension to William D. Campbell, reported the same with amendment, accompanied by a report (No. 5845); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 14715) granting an increase of pension to Norman W. McDonald, reported the same with amendment, accompanied by a report (No. 5846); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19762) granting an increase of pension to Clara C. Edsall, reported the same with amendment, accompanied by a report (No. 5847); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 16886) granting a pension to James W. Murray, reported the same with amendment, accompanied by a report (No. 5848); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 23171) granting an increase of pension to Harmon Veatch, reported the

same with amendment, accompanied by a report (No. 5849); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5173) granting an increase of pension to Jacob Henninger, reported the same with amendment, accompanied by a report (No. 5850); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19133) granting an increase of pension to Fergus P. McMillan, reported the same with amendment, accompanied by a report (No. 5851); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19294) granting an increase of pension to Francis M. Hutton, reported the same with amendment, accompanied by a report (No. 5852); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19400) granting an increase of pension to Washington M. Brown, reported the same with amendment, accompanied by a report (No. 5853); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13253) granting an increase of pension to R. M. C. Hill, reported the same with amendment, accompanied by a report (No. 5854); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12523) granting an increase of pension to Gancelo Leighton, reported the same with amendment, accompanied by a report (No. 5855); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11959) granting an increase of pension to Henry J. Rice, reported the same with amendment, accompanied by a report (No. 5856); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11869) granting an increase of pension to Henry A. Geduldig, reported the same without amendment, accompanied by a report (No. 5857); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11362) granting an increase of pension to Nicholas A. Bovee, reported the same with amendment, accompanied by a report (No. 5858); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11307) granting an increase of pension to Joseph J. Roberts, reported the same without amendment, accompanied by a report (No. 5859); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10721) granting an increase of pension to Harriett J. Lewis, reported the same with amendment, accompanied by a report (No. 5860); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12124) granting an increase of pension to Howard Brown, reported the same without amendment, accompanied by a report (No. 5861); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10317) granting an increase of pension to Clarissa A. Frederick, reported the same without amendment, accompanied by a report (No. 5862); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10402) granting an increase of pension to Albert H. Campbell, reported the same with amendment, accompanied by a report (No. 5863); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 11708) granting an increase of pension to Jesse Ask, reported the same with amendment, accompanied by a report (No. 5864); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20244) granting an increase of pension to Alfred Hayward, reported the same without amendment, accompanied by a report (No. 5865); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20236) granting



an increase of pension to W. E. Richards, reported the same with amendment, accompanied by a report (No. 5866); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20224) granting an increase of pension to Philip Hamman, reported the same without amendment, accompanied by a report (No. 5867); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20201) granting an increase of pension to Charles W. Airey, reported the same with amendment, accompanied by a report (No. 5868); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19976) granting a pension to Nelson Isbell, reported the same with amendment, accompanied by a report (No. 5869); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2764) granting an increase of pension to George L. Robinson, reported the same with amendment, accompanied by a report (No. 5870); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19967) granting an increase of pension to Martin L. Ohr, reported the same with amendment, accompanied by a report (No. 5871); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19969) granting an increase of pension to Henry K. Burger, reported the same with amendment, accompanied by a report (No. 5872); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19863) granting an increase of pension to Walter B. Swain, reported the same with amendment, accompanied by a report (No. 5873); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19772) granting a pension to Mary L. Kirlin, reported the same with amendment, accompanied by a report (No. 5874); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19770) granting an increase of pension to James G. Van Dewalker, reported the same with amendment, accompanied by a report (No. 5875); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19581) granting an increase of pension to Mary E. Bookhammer, reported the same with amendment, accompanied by a report (No. 5876); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19526) granting an increase of pension to Judson H. Holcomb, reported the same with amendment, accompanied by a report (No. 5877); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19448) granting an increase of pension to Abiram P. McConnell, reported the same with amendment, accompanied by a report (No. 5878); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 20215) granting an increase of pension to Riley J. Berkely, reported the same with amendment, accompanied by a report (No. 5879); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 21331) granting an increase of pension to Robert O. Bradley, reported the same without amendment, accompanied by a report (No. 5880); which said bill and report were referred to the Private Calendar.

Mr. KAHN, from the Committee on Military Affairs, to which was referred the joint resolution of the Senate (S. R. 13) authorizing the Secretary of War to award the Congressional medal of honor to Roe Reisinger, reported the same without amendment, accompanied by a report (No. 5884); which said resolution and report were referred to the Private Calendar.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL, from the Committee on Military Affairs: A bill (H. R. 23551) making appropriation for the support of the Army for the fiscal year ending June 30, 1908—to the Union Calendar.

By Mr. LACEY: A bill (H. R. 23552) to authorize the withdrawal from entry of all gas, oil, lignite, and coal upon the public lands and providing for the leasing of the same—to the Committee on the Public Lands.

Also, a bill (H. R. 23553) to authorize the withdrawal from entry of one-half of the remaining coal, gas, lignite, and oil in the public lands, and for other purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 23554) to authorize the creation of coal, gas, and oil reserves, and for other purposes—to the Committee on the Public Lands.

By Mr. ROBERTS: A bill (H. R. 23555) to amend an act entitled "An act amending section 4708 of the Revised Statutes of the United States, in relation to pensions to remarried widows, approved March 3, 1901," approved February 28, 1903—to the Committee on Invalid Pensions.

By Mr. BABCOCK: A bill (H. R. 23556) prohibiting the purchase or procurement, sale, gift, or disposition of intoxicating liquors to minors by unlicensed persons—to the Committee on the District of Columbia.

By Mr. BATES: A bill (H. R. 23557) to cause a survey to be made of Erie Harbor—to the Committee on Rivers and Harbors.

By Mr. MADDEN: A bill (H. R. 23558) amending an act to regulate commerce, approved February 4, 1887, and all acts amendatory thereof—to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Delaware: A bill (H. R. 23559) to amend, modify, and simplify the pension laws of the United States—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 23560) to authorize the construction of a bridge across the Columbia River between Benton and Franklin counties, in the State of Washington, by the North Coast Railroad Company—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 23561) to authorize the construction of a bridge across the Columbia River between Walla Walla and Benton counties, in the State of Washington, by the North Coast Railroad Company—to the Committee on Interstate and Foreign Commerce.

By Mr. SHACKLEFORD: A bill (H. R. 23562) regulating life insurance companies and the issuing and delivering of life insurance policies in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LAMAR: A bill (H. R. 23563) to levy and collect an import duty on long staple cotton imported into the United States from foreign countries—to the Committee on Ways and Means.

Also, a bill (H. R. 23564) to provide compensation for carriers of rural free delivery mail—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas: A bill (H. R. 23565) to authorize the Secretary of the Interior to review the cases of certain Choctaw Indians claiming citizenship in the Choctaw tribe—to the Committee on Indian Affairs.

By Mr. WILEY of Alabama: A bill (H. R. 23566) to establish a subtreasury at Montgomery, Ala.—to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: A bill (H. R. 23567) to encourage agriculture in the Philippine Islands by granting certain concessions and guaranties to a corporation to be known as the Philippine Agricultural Bank, the business of which shall be the making of loans to agriculturists in the Philippine Islands upon real estate, growing crops, or other security duly authorized by this act, for the purpose of enabling them to pay off existing debts, to make improvements upon their lands, to purchase agricultural implements, farm animals, fertilizers, and seed, and to make other similar expenditures desirable and proper for the advancement and improvement of agriculture in the Philippine Islands—to the Committee on Insular Affairs.

By Mr. PARSONS: A bill (H. R. 23568) to secure a better system of report and accountability by the governments of the insular possessions of the United States—to the Committee on Insular Affairs.

By Mr. MURPHY: A bill (H. R. 23569) to amend section 3243 of chapter 3 of the Revised Statutes of the United States

in relation to special taxes—to the Committee on Ways and Means.

By Mr. ELLIS: A bill (H. R. 23570) to amend an act entitled "An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.," approved March 19, 1904—to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS: A bill (H. R. 23571) to ratify and confirm elections held under and by virtue of the provisions of an act to amend an act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, etc.—to the Committee on the Territories.

By Mr. VOLSTEAD: A bill (H. R. 23572) to authorize the Commissioner of Internal Revenue to remove certain restrictions upon the manufacture of alcoholic spirits, so as to facilitate the erection of distilleries producing alcohol to be denatured—to the Committee on Ways and Means.

By Mr. YOUNG: A bill (H. R. 23573) authorizing the purchase of a fish hatchery owned by the State of Michigan and located at Sault Ste. Marie, Mich.—to the Committee on the Merchant Marine and Fisheries.

By Mr. DE ARMOND: A bill (H. R. 23574) to authorize the Secretary of War to detail officers of the Army for service in the construction of good roads in the several States—to the Committee on Military Affairs.

By Mr. HEDGE: A bill (H. R. 23575) appropriating the sum necessary for completion of addition to the public building at Burlington, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. WATSON: A bill (H. R. 23576) to provide for the extension of New Hampshire avenue, in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. BURLEIGH: A bill (H. R. 23577) to provide for the purchase of a site and the erection of a public building thereon at Waterville, Me.—to the Committee on Public Buildings and Grounds.

By Mr. MACON: A bill (H. R. 23578) to authorize the county of Clay, in the State of Arkansas, to construct a bridge across Black River at or near Bennetts Ferry, in said county and State—to the Committee on Interstate and Foreign Commerce.

By Mr. GREENE: A bill (H. R. 23579) to regulate the salaries of letter carriers in free-delivery offices—to the Committee on the Post-Office and Post-Roads.

By Mr. OTJEN: A bill (H. R. 23580) granting thirty days' leave of absence with pay each year to every member of the Metropolitan police of the District of Columbia—to the Committee on the District of Columbia.

By Mr. BEALL of Texas: A bill (H. R. 23581) to extend the privileges of the transportation of dutiable merchandise without appraisement to the city of Dallas, in the State of Texas—to the Committee on Ways and Means.

By Mr. BENNET of New York: A bill (H. R. 23582) to amend an act entitled "An act to establish a uniform system of bankruptcy throughout the United States," approved July 1, 1898—to the Committee on the Judiciary.

By Mr. MILLER: A bill (H. R. 23583) to provide for the investigation of the water resources in the United States—to the Committee on Mines and Mining.

By Mr. BOWIE: A concurrent resolution (H. C. Res. 47) accepting the statue of Jabez Lamar Monroe Curry, to be placed in Statuary Hall—to the Committee on the Library.

By Mr. HAY: A resolution (H. Res. 677) as to certain tests made by the Department of Agriculture—to the Committee on Agriculture.

By Mr. AMES: A resolution (H. Res. 678) to pay to Charles H. Mann, superintendent of the Press Gallery of the House, a certain sum of money—to the Committee on Accounts.

By Mr. DAWSON: A joint resolution (H. J. Res. 212) making each Saturday after 12 o'clock noon during the months of July, August, and September only, in each year, a legal holiday for certain officers and employees of the United States—to the Committee on Appropriations.

By Mr. GARDNER of Massachusetts: A joint resolution (H. J. Res. 213) authorizing the appointment of a special commissioner for the Jamestown Exposition—to the Committee on Industrial Arts and Expositions.

#### PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ACHESON: A bill (H. R. 23584) granting an increase of pension to E. B. Milligan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23585) granting an increase of pension to D. G. Roney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23586) granting an increase of pension to Reuben Sanders—to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 23587) granting an increase of pension to Phineas P. Trowbridge—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 23588) conferring jurisdiction upon the Court of Claims to hear, try, and determine the land claims of the heirs of Jacques Clamorgan, deceased—to the Committee on Private Land Claims.

By Mr. BRADLEY: A bill (H. R. 23589) granting an increase of pension to William Van Gorden—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 23590) granting an increase of pension to James W. Bedell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23591) granting an increase of pension to Henry McNeil—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23592) granting an increase of pension to James R. Harrover—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 23593) granting an increase of pension to Charles M. Buck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23594) granting an increase of pension to Rollin J. Southerland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23595) granting an increase of pension to Robert Guttery—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 23596) granting an increase of pension to H. O. Bennum—to the Committee on Invalid Pensions.

By Mr. CASSEL: A bill (H. R. 23597) granting an increase of pension to George W. Bireley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23598) granting a pension to Robert R. Clendenin—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 23599) granting an increase of pension to Alfred B. Stansil—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 23600) granting an honorable discharge to James T. Brown—to the Committee on Military Affairs.

By Mr. COOPER of Wisconsin: A bill (H. R. 23601) granting an increase of pension to Emil Wiegler—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 23602) granting an increase of pension to Ashley W. Holland—to the Committee on Invalid Pensions.

By Mr. DE ARMOND (by request): A bill (H. R. 23603) granting an increase of pension to Samuel Desbrow—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 23604) for the relief of William Pfeiffer—to the Committee on War Claims.

By Mr. DEEMER: A bill (H. R. 23605) to correct the military record of C. W. Walker—to the Committee on Military Affairs.

Also, a bill (H. R. 23606) to correct the military record of Miffin R. Moyer—to the Committee on Military Affairs.

Also, a bill (H. R. 23607) granting a pension to Martha E. Doeblér—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23608) granting an increase of pension to John Manley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23609) granting an increase of pension to Samuel P. Wallis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23610) granting an increase of pension to George W. Bowman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23611) granting an increase of pension to Abram L. Crist—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 23612) granting an increase of pension to Thomas H. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23613) granting an increase of pension to Henry Daum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23614) granting an increase of pension to James M. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23615) granting an increase of pension to John W. Conard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23616) granting an increase of pension to Joseph Kelble—to the Committee on Pensions.

Also, a bill (H. R. 23617) granting an increase of pension to Elizabeth J. Miles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23618) granting an increase of pension to John M. Guley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23619) granting a pension to Josephine Dumont—to the Committee on Invalid Pensions.



By Mr. FLACK: A bill (H. R. 23620) granting an increase of pension to Emma L. De Gou—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 23621) granting an increase of pension to Wilson Graham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23622) granting an increase of pension to Benjamin Maple—to the Committee on Pensions.

By Mr. FRENCH: A bill (H. R. 23623) granting an increase of pension to Sarah Johnston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23624) granting an increase of pension to Albina M. Williams—to the Committee on Pensions.

Also, a bill (H. R. 23625) granting an increase of pension to Jacob Bartshe—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 23626) granting an increase of pension to Richard C. Taylor—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 23627) granting a pension to William B. Walton—to the Committee on Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 23628) granting an increase of pension to Clara E. Daniels—to the Committee on Pensions.

By Mr. GARNER: A bill (H. R. 23629) for the relief of A. M. Gildea—to the Committee on Claims.

By Mr. GOULDEN: A bill (H. R. 23630) authorizing the President to nominate and appoint Birchie O. Mahaffey, John A. Cleveland, and Traugett F. Keller as second lieutenants in the United States Army—to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 23631) granting a pension to Francis M. Oglesby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23632) granting an increase of pension to Isaac M. W. Keller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23633) granting an increase of pension to Calvin Patterson—to the Committee on Pensions.

Also, a bill (H. R. 23634) granting an increase of pension to Gabriel Mangus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23635) granting an increase of pension to Benjamin F. Houston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23636) granting an increase of pension to John B. Schroll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23637) granting an increase of pension to John A. Collier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23638) granting an increase of pension to Calvin Frost—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23639) granting an increase of pension to John Lobach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23640) granting an increase of pension to Cleon Berry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23641) granting an increase of pension to Isaac B. Beals—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23642) for the relief of George W. Mabry—to the Committee on War Claims.

Also, a bill (H. R. 23643) to remove charge of desertion standing against H. B. Jones—to the Committee on Military Affairs.

By Mr. HEDGE: A bill (H. R. 23644) granting an increase of pension to Charles J. Schreiner—to the Committee on Invalid Pensions.

By Mr. HENRY of Connecticut: A bill (H. R. 23645) granting an increase of pension to Isaac L. Griswold—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 23646) for the relief of I. B. Hammond—to the Committee on the Public Lands.

By Mr. HINSHAW: A bill (H. R. 23647) granting a pension to Lucy A. Tibbetts—to the Committee on Pensions.

Also, a bill (H. R. 23648) granting an increase of pension to Willet Shottenkirk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23649) granting an increase of pension to George H. Ross—to the Committee on Invalid Pensions.

By Mr. HOGG: A bill (H. R. 23650) to quiet title to lands on Jicarilla Reservation, and to authorize the Secretary of the Interior to cause allotments to be made, and to dispose of the merchantable timber, and for other purposes—to the Committee on Indian Affairs.

By Mr. HOLLIDAY: A bill (H. R. 23651) granting an increase of pension to John W. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23652) granting an increase of pension to William H. Zimmerman—to the Committee on Invalid Pensions.

By Mr. HUBBARD: A bill (H. R. 23653) granting an increase of pension to Dewit C. Chapman—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 23654) granting an increase of pension to William P. Snowden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23655) granting an increase of pension to Edward Yarton—to the Committee on Invalid Pensions.

By Mr. CLAUDE KITCHIN (by request): A bill (H. R. 23656) granting an increase of pension to John Kilpatrick—to the Committee on Invalid Pensions.

By Mr. WILLIAM W. KITCHIN: A bill (H. R. 23657) correcting the military record of William Rommel—to the Committee on Military Affairs.

Also, a bill (H. R. 23658) granting a pension to Carrie G. Yates—to the Committee on Pensions.

By Mr. LE FEVRE: A bill (H. R. 23659) granting an increase of pension to John G. Aitken—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23660) granting an increase of pension to Harriet U. Burgess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23661) granting an increase of pension to John W. Moak—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23662) granting an increase of pension to William Bronson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23663) granting an increase of pension to Charles A. Bartholomew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23664) granting an increase of pension to George M. Austin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23665) granting an increase of pension to Henry W. Witbeck—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 23666) granting a pension to Cornelius Beecher—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 23667) granting an increase of pension to Mary J. Richards—to the Committee on Pensions.

Also, a bill (H. R. 23668) granting a pension to H. H. Kidwell—to the Committee on Invalid Pensions.

By Mr. LAMAR: A bill (H. R. 23669) granting a pension to John H. Ayers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23670) granting an increase of pension to Margaret Moody—to the Committee on Pensions.

Also, a bill (H. R. 23671) granting an increase of pension to Thomas W. Crosby—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 23672) granting an increase of pension to Charles H. Perrin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23673) granting an increase of pension to John T. Grayson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23674) granting a pension to Elizabeth E. Carr—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 23675) granting an increase of pension to Watson F. Bisbee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23676) granting an increase of pension to William J. Hoey—to the Committee on Invalid Pensions.

By Mr. McKINLEY of Illinois: A bill (H. R. 23677) granting an increase of pension to John D. Dryden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23678) granting an increase of pension to Eli Norton—to the Committee on Invalid Pensions.

By Mr. MADDEN: A bill (H. R. 23679) granting an increase of pension to John F. Hart, alias Edward Hart—to the Committee on Invalid Pensions.

By Mr. MAYNARD: A bill (H. R. 23680) granting a pension to John W. Davis—to the Committee on Pensions.

Also, a bill (H. R. 23681) granting a pension to Nannie T. Harris—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 23682) granting an increase of pension to Joseph R. Bartlett—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 23683) granting an increase of pension to Thomas Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23684) granting an increase of pension to Harry C. Cadwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23685) granting an increase of pension to Robert Brake—to the Committee on Invalid Pensions.

By Mr. OLCOTT: A bill (H. R. 23686) granting an increase of pension to William H. Kehlbeck—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 23687) granting a pension to Blanche C. Polk—to the Committee on Pensions.

By Mr. PAYNE: A bill (H. R. 23688) granting an increase of pension to William H. Hawley—to the Committee on Pensions.

By Mr. PUJO: A bill (H. R. 23689) for the relief of Martin Guillory—to the Committee on War Claims.

Also, a bill (H. R. 23690) for the relief of the estate of Leon Lemelle, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23691) for the relief of the estate of Hilaire Paillett, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23692) for the relief of the estate of Victor Lastrapes, deceased—to the Committee on War Claims.

By Mr. REEDER: A bill (H. R. 23693) to correct the military record of George Morse—to the Committee on Military Affairs.

Also, a bill (H. R. 23694) granting an increase of pension to Wellington B. McCurdy—to the Committee on Invalid Pensions.

By Mr. REYBURN: A bill (H. R. 23695) granting a pension to John Hearn—to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: A bill (H. R. 23696) for the relief of F. W. Volz, of Canon Diablo, Coconino County, Arizona—to the Committee on Claims.

By Mr. SMITH of Pennsylvania: A bill (H. R. 23697) granting an increase of pension to Robert M. Wadding—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 23698) granting an increase of pension to William H. Wyman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23699) granting an increase of pension to Joseph Countryman—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 23700) granting a pension to Margaret Rice—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 23701) for the relief of James E. Arnold—to the Committee on Claims.

By Mr. THOMAS of Ohio: A bill (H. R. 23702) granting an increase of pension to James A. Mowrey—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 23703) granting an increase of pension to Clarendon Kelly—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 23704) to reimburse A. Herbert Bailey, of Boston, Massachusetts, for duties illegally paid—to the Committee on Claims.

By Mr. WILEY of New Jersey: A bill (H. R. 23705) granting an increase of pension to Frederick P. Gaudineer—to the Committee on Invalid Pensions.

By Mr. WILLIAMS: A bill (H. R. 23706) for the relief of the estate of Jacob Oates, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23707) for relief of the estate of Rebecca E. Sexton—to the Committee on War Claims.

Also, a bill (H. R. 23708) for the relief of the estate of Elizabeth Hemphill, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23709) granting an increase of pension to James M. Dick—to the Committee on Invalid Pensions.

By Mr. ZENOR: A bill (H. R. 23710) granting an increase of pension to Henry Bliss—to the Committee on Invalid Pensions.

By Mr. ACHESON: A bill (H. R. 23711) granting an increase of pension to Jacob Hornbake—to the Committee on Invalid Pensions.

By Mr. MEYER: A bill (H. R. 23712) for the relief of the estate of Raymond Pochelu, deceased, late of New Orleans, La.—to the Committee on War Claims.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committee was discharged from the consideration of bill of the following title; which was thereupon referred as follows:

A bill (H. R. 23152) granting a pension to Edward Hunt—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Petition of Denison, Tex., Board of Trade, for an appropriation of \$100,000 to clear channel of the upper Red River—to the Committee on Rivers and Harbors.

Also, papers to accompany bills for relief of Joseph Rodgers Day, Joseph Swihart, and Reuben Sanders—to the Committee on Invalid Pensions.

By Mr. AIKEN: Petition of South Carolina State Federation of Women's Clubs, for Appalachian Forest Reserves—to the Committee on Agriculture.

Also, paper to accompany bill for relief of Joseph H. Grant—to the Committee on War Claims.

Also, petition of citizens of South Carolina, for forest reservation—to the Committee on Agriculture.

By Mr. ALEXANDER: Petition of Pomona Grange, No. 33, Patrons of Husbandry, Akron, N. Y., for parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Peter G. Straub—to the Committee on Claims.

Also, petition of Colonel S. Y. Syrum Camp, United States War Veterans, for restoration of army canteen—to the Committee on Military Affairs.

By Mr. BATES: Petition of Brotherhood of Locomotive Engineers, Meadville, Pa., against Senate bill 5133, restricting hours of employment—to the Committee on Interstate and Foreign Commerce.

Also, petition of Erie Tageblatte, Morning Despatch, and Erie Herald, Erie, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BENNETT of Kentucky: Petition of citizens of Ninth district of Kentucky, against legislation in copyright bill inimical to mechanical musical instruments—to the Committee on Patents.

Also, petition of Vanceburg Council, No. 2; Success Council, No. 84, and Lawton Council, No. 85, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, paper to accompany bill for relief of Patterson Moore, alias Andrew Jackson—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Papers to accompany an act to amend an act entitled "An act to establish a uniform system of bankruptcy in the United States," approved July 1, 1898—to the Committee on the Judiciary.

By Mr. BOUTELL: Petitions of business firms, organizations, and citizens of cities and towns as follows, for parcels-post law: Michigan—Benton Harbor, Cigar Makers' Union, No. 457; Detroit, Stationary Firemen, No. 32; International Brotherhood of Bookbinders, No. 20; International Association of Steam, Hot Water, and Power Pipefitters, No. 8. Minnesota—Duluth, Bricklayers and Masons' International Union, No. 4; Bricklayers and Masons' International Union, No. 5; Steamfitters' Union, Ohio—Cincinnati, International Association of Steam, Hot Water, and Power Pipefitters. Wisconsin—Milwaukee, Beer Bottlers, No. 213; International Association of Marble Workers, No. 9; Pattern Makers' Association of Milwaukee. Indiana—Hammond, Cigar Makers' Union, No. 335. Missouri—Hannibal, Cigar Makers' Union, No. 76. Illinois—Freeport, Freeport Trades and Labor Council; Chicago, Typographical Union, No. 16; Brick Makers' District Council; Post-Office Clerks' Union; Carpenters and Joiners' Union, No. 54. Utah—Salt Lake City, International Brotherhood of Blacksmiths, No. 166; Cigar Makers' Union, No. 224; Brewery Workmen's International Union, No. 64. Washington—Spokane, Cigar Makers' Union No. 325. Maine—Bangor, Cigar Makers' Union, No. 179. New Jersey—Newark, Leather Workers on H. G., No. 91. Rhode Island—Providence, Lithographers' International and Protective Association, No. 26. Board of supervisors of county of Oahu, Hawaii; members of Steamfitters' Union, Duluth, Minn.; citizens of Hammond, Lake County, Ind., and Morgan Park, Cook County, Ill.; Bookbinders and Rulers' Union, No. 20, Detroit, Mich.; citizens of Philadelphia, Pa., Vicksburg, Mich., Rochester, N. Y., and Chicago, Ill.; Local Union No. 160, Brotherhood of Painters, Decorators, and Paper Hangers of America, Milwaukee, Wis.; citizens of Monmouth, Ill., Milwaukee, Wis., Spokane, Wash., Freeport, Ill., Duluth, Minn., and Columbus, Ohio; Foster Literary Club, Roseland, Ill.; Lithographers' International Protective and Beneficial Association, Local No. 24, Pittsburg, Pa.; citizens of Davenport, Iowa, Champaign, Ill., West, Cook County, Ill., Moline, Ill., Salt Lake City, Utah, Cincinnati, Ohio, Alledo, Ill., South Chicago, Ill., and Detroit, Mich.—to the Committee on the Post-Office and Post-Roads.

By Mr. BRADLEY: Petition of Argus Publishing Company, Middletown, N. Y., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of McKinley Council, No. 67, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BURTON of Delaware: Petition of Patriotic Council, No. 31, and Perseverance Council, No. 17, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. BUTLER of Pennsylvania: Petition of Mantayukee Council, No. 106, Daughters of Liberty, Darby, Pa., and Strickersville Council, No. 975, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. CASSEL: Paper to accompany bill for relief of Robert R. Clendenin—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: Petition of John M. Mott, for repeal of tax on State bank circulation—to the Committee on Banking and Currency.

By Mr. DAVEY of Louisiana: Petition of New Orleans Board



of Trade, for appropriation to improve navigation on Red River—to the Committee on Rivers and Harbors.

Also, petition of Palfrey Robb Pursell Company, New Orleans, La., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DAWSON: Petition of Corn Beef Meat Producers' Association of Iowa, against change in meat-inspection law—to the Committee on Agriculture.

By Mr. DAVIS of Minnesota: Petition of Northfield News, Northfield, Minn., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DOVENER: Paper to accompany bill for relief of Will R. Hall—to the Committee on Pensions.

By Mr. DRAPER: Petition of National Camp, Patriotic Order of Americans, and Pennsylvania State Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of International Seamen's Union of America, against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Division 166, Carbondale, Pa.; Division 263, Wilkes-Barre, Pa., and D. and H. members, Division 172, Brotherhood of Locomotive Engineers, against restriction of hours of labor by railways—to the Committee on Interstate and Foreign Commerce.

Also, petition of Division No. 58, Brotherhood of Locomotive Engineers, against bill S. 5133, introduced by Senator LA FOLLETTE—to the Committee on Interstate and Foreign Commerce.

By Mr. ELLIS: Paper to accompany bill for relief of William S. Blair—to the Committee on War Claims.

By Mr. FITZGERALD: Petition of National Camp, Patriotic Order of Americans, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of International Seamen's Union of America, against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of San Francisco Labor Council, against utterances of the President relative to Japanese in public schools of said city—to the Committee on Foreign Affairs.

Also, petition of American artists, for repeal of duty on art works—to the Committee on Ways and Means.

Also, petition of Devin Post, No. 148, Grand Army of the Republic, Department of New York, for restoration of Army canteen—to the Committee on Military Affairs.

By Mr. FLOYD: Petition of citizens of Missouri for permission to make available waters of White River for electrical power purposes (H. R. 21385)—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Sarah E. Terrill—to the Committee on War Claims.

Also, paper to accompany bill for relief of James Drake—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of Thomas F. Adkins, for the Crumacker bill for court review of postal-fraud orders—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of Richard C. Tailor—to the Committee on Invalid Pensions.

Also, petition of the Register-Gazette, Rockford, Ill., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Petition of Sunday Record, Haverhill, Mass., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of Col. W. B. Walton—to the Committee on Pensions.

By Mr. GOEBEL: Petition of United Spanish War Veterans, of Cincinnati, Ohio, for restoration of Army canteen—to the Committee on Military Affairs.

Also, petition of Harmony Council, No. 50, Junior Order United American Mechanics, Cincinnati, Ohio, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of German-American Alliance, Cincinnati, Ohio, against Dillingham-Gardner immigration bill—to the Committee on Immigration and Naturalization.

By Mr. GRANGER: Petition of Betsey Williams Council, No. 2, Daughters of Liberty, Providence, R. I., and Eagle Council, No. 8, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. HALE: Petition of Manufacturers and Producers' Association of Knoxville, Tenn., for investigation by Congress into cause of railway disasters—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Connecticut: Petition of Chamber of Com-

merce, New Haven, Conn., for establishment of forest reserves in White Mountains—to the Committee on Agriculture.

Also, petition of the Herald, and the Eastern Herald, New Britain, Conn., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HEPBURN: Petition of train and engine men of Wabash system of railways, Stanberry, Mo., and train and engine men of Chicago, Burlington and Quincy system, Ottumwa, Iowa, against legislation to limit hours of service of railway employees—to the Committee on Interstate and Foreign Commerce.

Also, petition of General Protective Board, Brotherhood of Locomotive Engineers, Union Pacific system, against legislation limiting hours of service of railway employees—to the Committee on Interstate and Foreign Commerce.

By Mr. HERMANN: Petition of Portland Chamber of Commerce, for appropriation of \$15,000,000 for construction of marine torpedo boats for Pacific coast defense—to the Committee on Naval Affairs.

By Mr. HINSHAW: Paper to accompany bill for relief of Jacob H. Culver—to the Committee on War Claims.

Also, petition of Order of Railway Conductors, of Lincoln, Nebr., against legislation restricting hours of labor on railways—to the Committee on Interstate and Foreign Commerce.

Also, petition of Beatrice Commercial Club, for appropriation to enlarge United States post-office building at Beatrice, Nebr.—to the Committee on the Post-Office and Post-Roads.

Also, petition of General Protective Board of Locomotive Firemen and Engineers, Union Pacific system, against legislation restricting hours of labor on railways—to the Committee on Interstate and Foreign Commerce.

By Mr. HOUSTON: Paper to accompany bill for relief of W. B. Corley and John M. Gilbert—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: Petition of citizens of Cliffwood, N. J., Long Branch, N. J., and Toms River, N. J., favoring McCumber-Sperry-Tirrell bill (H. R. 5292)—to the Committee on Alcoholic Liquor Traffic.

Also, petition of National Camp, Pennsylvania State Camp, and New York State Camp, Patriotic Order Sons of America, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of harbor master of Philadelphia, Pa., for deepening channel of Delaware River—to the Committee on Rivers and Harbors.

Also, petition of Seaman's Union of America, against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. HULL: Petition of McCorkle Camp, United Spanish War Veterans, and civil war veterans, National Soldiers' Home, Tennessee, for restoration of canteen—to the Committee on Military Affairs.

By Mr. HUNT: Petition of Camp Louis A. Craig, Army of Philippines, for bill H. R. 18276 (badges to veterans of Philippine war)—to the Committee on Military Affairs.

By Mr. KENNEDY of Nebraska: Petition of Commercial Club of Omaha, for increase of salary for post-office clerks—to the Committee on the Post-Office and Post-Roads.

Also, petition of South Omaha Live Stock Exchange, against car shortage and short train service for handling live stock—to the Committee on Interstate and Foreign Commerce.

Also, petition of State legislative committee of Order of Railway Conductors of Nebraska, against the La Follette bill—to the Committee on Interstate and Foreign Commerce.

By Mr. KENNEDY of Ohio: Paper to accompany bill for relief of Christian Roessler—to the Committee on Invalid Pensions.

By Mr. WILLIAM W. KITCHIN: Petition of Pennsylvania State Camp and New York State Camp, Patriotic Order Sons of America, and National Camp, Patriotic Order of Americans, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of J. M. Reece, Greensboro, N. C., against tariff on linotype machines—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Mrs. Carrie G. Yates—to the Committee on Pensions.

By Mr. KNAPP: Petition of Chamber of Commerce, Watertown, N. Y., for increase of salaries of clerks of first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. LAFEAN: Paper to accompany bill for relief of Cornelius Beecher—to the Committee on Invalid Pensions.

Also, petition of Pennsylvania State Camp, Patriotic Order Sons of America, and National Camp, Patriotic Order of Americans, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of Federation of Trades, York, Pa., against employment of Chinese, Japanese, et al., Asiatic cooly labor, in Panama Canal Zone—to the Committee on Foreign Affairs.

By Mr. LAW: Papers to accompany bills for relief of Henry Bauerlin and Mary C. Leavens—to the Committee on Invalid Pensions.

By Mr. LEE: Paper to accompany bill for relief of Frederick Ellison—to the Committee on Invalid Pensions.

By Mr. LEVER: Paper to accompany bill for relief of Caroline Vicks—to the Committee on Pensions.

By Mr. LOUD: Paper to accompany bill for relief of William Hoey—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Watson F. Bisbee—to the Committee on Invalid Pensions.

Also, petition of Fourth Immune Camp, United Spanish War Veterans, for restoration of the Army canteen—to the Committee on Military Affairs.

By Mr. LOUDENSLAGER: Petition of National Camp, Patriotic Order of Americans, and State Camp of New York, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Merchantville, Camden County, N. J., against sale of liquor in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. PATTERSON of Tennessee: Petition of Thomas F. Adkin, Rochester, N. Y., for the Crumpacker bill, relative to fraud-order law—to the Committee on the Judiciary.

By Mr. MCKINLEY of Illinois: Petition of Journal and Gazette, Mattoon, The Gazette, Champaign, Mattoon Morning Star, Champaign News, and The Herald, Decatur, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MAHON: Petition of People's Register, Chambersburg, Pa., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of citizens of Lewistown, Pa., for consideration of third and fourth class mail matter at rate of 1 cent per pound—to the Committee on the Post-Office and Post-Roads.

By Mr. MAYNARD: Paper to accompany bill for relief of John W. Davis—to the Committee on Pensions.

Also, paper to accompany bill for relief of Charles H. Harris—to the Committee on Military Affairs.

By Mr. OLCOTT: Paper to accompany bill for the relief of William H. Kehlbeck—to the Committee on Invalid Pensions.

By Mr. PADGETT: Paper to accompany bill for relief of George W. Robinson—to the Committee on Invalid Pensions.

By Mr. PAYNE: Paper to accompany bill for relief of Myron C. Marshall—to the Committee on Pensions.

Also, paper to accompany bill for relief of Richard Welch and William B. Yawger—to the Committee on Invalid Pensions.

By Mr. POLLARD: Petition of Division No. 227, Railway Conductors, Lincoln, Nebr., and convention of railway conductors, against reduction of hours of labor by railway employees—to the Committee on Interstate and Foreign Commerce.

Also, petition of Woman's Christian Temperance Union, Lincoln, Nebr., against sale of liquors in Government buildings—to the Committee on Alcoholic Liquor Traffic.

By Mr. PRINCE: Petition of Galesburg Evening News, Quincy Whig, and Star-Courier, Kewanee, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. PUJO: Petition of International Seaman's Union of America, against ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of The Signal, Crowley, La., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of general assembly of Louisiana, for investigation relative to the dam in Mississippi as impediment to navigation—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Elsie David, heir of Theophile Lanvald—to the Committee on War Claims.

Also, paper to accompany bill for relief of estate of Victor Lastrapes, estate of Hillaire Paillet, Martin Guillory, and estate of Leon Lemelle—to the Committee on War Claims.

By Mr. REYBURN: Petition of Workingman's Protective Tariff League of Philadelphia, for 35-foot channel in Delaware River—to the Committee on Rivers and Harbors.

By Mr. RIXEY: Paper to accompany bill for relief of William R. Stabb—to the Committee on War Claims.

Also, petition of Alexandria (Va.) Council, No. 33, Junior Order United American Mechanics, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Petition of Patriotic Order Sons of America, Corning, N. Y., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

Also, petition of San Francisco Labor Council, relative to Japanese school question against President's utterances relative to same—to the Committee on Foreign Affairs.

Also, petition of Colonel S. Y. Seyburn Camp, No. 13, Spanish War Veterans, for restoration of canteen—to the Committee on Military Affairs.

By Mr. SCHNEEBELI: Petition of Thomas F. Adkins, Rochester, N. Y., for the Crumpacker bill relative to the fraud-order law—to the Committee on the Judiciary.

By Mr. SHARTELL: Petition of Commercial Club of Joplin, Mo., for increase of salaries of first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

Also, petition of Camp Louis A. Craig, Army of Philippines, Kansas City, Mo., favoring bill H. R. 18276, relative to bestowal of badges to those who fought in Philippines—to the Committee on Military Affairs.

Also, petition of Peter Francis, for \$50,000 appropriation for improvement of rivers and harbors of Missouri—to the Committee on Rivers and Harbors.

Also, petition of citizens of Fifteenth Congressional district, for \$50,000 for river and harbor improvements in Missouri—to the Committee on Rivers and Harbors.

By Mr. SHEPPARD: Paper to accompany bill for relief of legal representatives of Samuel Dickens—to the Committee on War Claims.

Also, paper to accompany bill for relief of Joseph F. Knighten and John M. Smith—to the Committee on Pensions.

Also, paper to accompany bill for relief of Stephen D. Jordan—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition of F. C. Warner Camp, Spanish War Veterans, Ilion, N. Y., for restoration of Army canteen—to the Committee on Military Affairs.

Also, petition of Utica Council, No. 50, and Guiding Star Council, No. 29, Daughters of Liberty, Utica, N. Y., favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Arizona: Petition of citizens of Tucson, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Yuma County Commercial Club and board of supervisors of Yuma County, for an appropriation of \$2,000,000 for turning Colorado River for Salton Sea—to the Committee on Rivers and Harbors.

Also, petition of Bisbee Daily Review, the Republican, Phoenix, and the Enterprise, Phoenix, against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SMITH of Pennsylvania: Petition of San Francisco Labor Council, against utterances of the President relative to Japanese in schools of said city—to the Committee on Foreign Affairs.

Also, petition of Pennsylvania State Camp, Patriotic Sons of America, and National Camp, Patriotic Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. SNAPP: Petition of Daily News, Elgin, Ill., and Daily News, Aurora, Ill., against tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Elgin Merchants' Association, for increase of salaries of clerks in first and second class post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. SOUTHARD: Petition of Ohio State Dental Society, for bills relative to dental service in the Army—to the Committee on Military Affairs.

By Mr. STEPHENS of Texas: Paper to accompany bill for relief of John A. Hulen—to the Committee on War Claims.

By Mr. TAWNEY: Paper to accompany bill for relief of Lewis L. Bingham—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: Paper to accompany bill for relief of Richard J. Fanning—to the Committee on Invalid Pensions.

By Mr. VAN WINKLE: Petition of International Seamen's Union, against the subsidy bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Pennsylvania State Camp, Patriotic Order Sons of America, and National Camp, Patriotic Order of Americans, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. WACHTER: Petition of ministers of the Methodist Episcopal churches of Baltimore, Md., for investigation of affairs in Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of Pennsylvania State Camp, National Camp, and New York State Camp, Patriotic Order Sons of America, favoring restriction of immigration (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. WALDO: Petition of George A. Orrok, George W.



Tillson, and Edwin Sanderson, for continuance of appropriation for measurement of water flow in rivers by the Hydrographic Bureau—to the Committee on Appropriations.

Also, petition of Augustine L. Roderiguey, for annexation of Cuba to United States—to the Committee on Insular Affairs.

By Mr. WILLIAMS: Paper to accompany bill for relief of estate of Jacob Oates, Warren County; estate of Rebecca E. Sexton, Warren County; estate of Elizabeth Hemphill, Hinds County; estate of J. P. Davis, Yazoo County, and Burwell V. McGuffie—to the Committee on War Claims.

By Mr. ZENOR: Paper to accompany bill for relief of Isaiah Carter and George Peyton—to the Committee on Invalid Pensions.

## SENATE.

TUESDAY, January 8, 1907.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

Mr. WILLIAM B. ALLISON, a Senator from the State of Iowa, appeared in his seat to-day.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### KLAMATH INDIAN AGENCY, OREG.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an increase in the estimate of appropriation for the support of the Indians of the Klamath Agency, Oreg., from \$5,000 to \$8,000; which, with the accompanying papers, was referred to the Committee on Indian Affairs, and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

H. R. 16548. An act to provide for a judicial review of orders excluding persons from the use of United States mail facilities; and

H. J. Res. 214. Joint resolution to provide for the printing of 16,000 copies of Senate Document No. 144, Fifty-ninth Congress, second session.

### PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the preachers' meeting of the Methodist Episcopal Church of New York City, N. Y., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Townsend, Mont., and of Mitchell County, Kans., remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

He also presented a petition of sundry citizens of Augusta, Ga., praying for the establishment in Africa of a free and independent government for ex-slaves and their offspring under the protection of the United States; which was referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Rochester and New York, N. Y., and of Chicago and Blue Island, Ill., remonstrating against any investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

Mr. CULBERSON presented the petition of Godfrey R. Fowler, of Texas, praying for the enactment of legislation for the relief of Joseph V. Cunningham and other officers of the Philippine Volunteers; which was referred to the Committee on Claims.

Mr. NELSON presented petitions of the congregation of the Evangelical Church, of the Woman's Christian Temperance Union of Preston, of sundry citizens of Argyle, of the congregation of the Baptist Church, and of the Woman's Christian Temperance Union of Anoka, all in the State of Minnesota, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which were referred to the Committee on the Judiciary.

Mr. MILLARD presented memorials of sundry railway employees of North Platte and Omaha, Nebr., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

Mr. DEPEW presented a memorial of Local Division No.

154, Order of Railway Conductors, of Binghamton, N. Y., remonstrating against the enactment of legislation limiting the hours of service of railway employees; which was ordered to lie on the table.

Mr. FRAZIER presented a petition of the trustees of the Methodist Episcopal Church South, of Saulsbury, Tenn., praying for the payment of their claim against the United States, as recommended by the Court of Claims; which was referred to the Committee on Claims.

Mr. CULLOM presented memorials of sundry citizens of Chicago, Ill., remonstrating against any investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

Mr. FULTON presented a petition of sundry citizens of Ashland, Oreg., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors; which was referred to the Committee on the Judiciary.

Mr. HEMENWAY presented memorials of sundry employees of the western division of the Pennsylvania Railroad, west of Pittsburgh, Pa., remonstrating against the passage of the so-called "sixteen-hour bill;" which were ordered to lie on the table.

Mr. BEVERIDGE presented a petition of sundry citizens of South Bend, Ind., and of sundry citizens of La Porte, Ind., praying for an investigation into the existing conditions in the Kongo Free State; which were referred to the Committee on Foreign Relations.

He also presented a memorial of Local Division No. 186, Street and Electric Railway Employees' Association, of Anderson, Ind., remonstrating against the repeal of the present Chinese-exclusion law; which was referred to the Committee on Immigration.

He also presented petitions of the congregation of the First Presbyterian Church of Hartford City; of the congregation of the Third Presbyterian Church of New Albany, and of the congregation of the Presbyterian Church of Kingston, all in the State of Indiana, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented a petition of the Graessle Mercer Company, of Seymour, Ind., praying for the enactment of legislation to remove the duty on composing and linotype machines and the parts thereof; which was referred to the Committee on Finance.

He also presented a memorial of Crescent City Council, No. 14, United Commercial Travelers of America, of Evansville, Ind., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented resolutions adopted by the San Francisco Labor Council, of San Francisco, Cal., relative to the exclusion of Japanese from the schools of that city; which were referred to the Committee on Foreign Relations.

He also presented a petition of the city council of Chicago, Ill., praying that the outflow from Lake Michigan be controlled solely by legislation and not by treaty with any foreign government; which was referred to the Committee on Commerce.

He also presented memorials of sundry citizens of Hartford City, Dubois County, and Sullivan County, all in the State of Indiana, remonstrating against the enactment of legislation requiring certain places of business in the District of Columbia to be closed on Sunday; which were referred to the Committee on the District of Columbia.

### MISSOURI RIVER BRIDGE.

Mr. BERRY. I report back favorably without amendment, from the Committee on Commerce, the bill (S. 7211) to amend an act entitled "An act to amend an act to construct a bridge across the Missouri River at a point between Kansas City and Sibley, in Jackson County, Mo.," approved March 19, 1904, and I submit a report thereon. I call the attention of the Senator from Missouri [Mr. WARNER] to the bill.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill just reported by the Senator from Arkansas.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

### PENSIONS TO ARMY NURSES.

Mr. SCOTT. I am authorized by the Committee on Pensions to report back favorably the bill (S. 695) increasing the pensions of Army nurses. I report the bill without amendment, and submit a report thereon. At as early day as possible I shall try to call up the bill by unanimous consent.